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COMMISSION ON HUMAN RIGHTS

REPORT ON THE FIFTY-THIRD SESSION

(10 March - 18 April 1997)

ECONOMIC AND SOCIAL COUNCIL

OFFICIAL RECORDS, 1997

SUPPLEMENT No. 3

UNITED NATIONS

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NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

A State not member of the Commission may submit proposals in accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council. The list of participants is contained in annex I.

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A. Draft resolutions

I. Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The Economic and Social Council,

Taking note of Commission on Human Rights resolution 1997/24 of 11 April 1997,

1. Authorizes an open-ended working group of the Commission on Human Rights to meet for a period of two weeks prior to the fifty-fourth session of the Commission in order to continue the elaboration of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

2. Requests the Secretary-General to extend to the working group all necessary facilities for its meetings and to transmit the report of the working group (E/CN.4/1997/33 and Add.1) to Governments, the specialized agencies, the chairpersons of the human rights treaty bodies and the intergovernmental and non-governmental organizations concerned.

[See chap. II, sect. A, resolution 1997/24, and chap. VIII.]

II. Working group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of General Assembly resolution 49/214 of 23 December 1994

The Economic and Social Council,

Taking note of Commission on Human Rights resolution 1997/31 of 11 April 1997,

1. Authorizes the open-ended inter-sessional working group of the Commission on Human Rights established in accordance with Commission resolution 1995/32 of 3 March 1995 to meet for a period of 10 working days prior to the fifty-fourth session of the Commission, the costs of the meeting to be met from within existing resources;

2. Requests the Secretary-General to extend all necessary facilities, from within existing United Nations resources, to the working group for its meetings.

[See chap. II, sect. A, resolution 1997/31, and chap. XXIV.]

III. *Question of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms*

The Economic and Social Council,

Taking note of Commission on Human Rights resolution 1997/70 of 16 April 1997,

1. *Authorizes* the open-ended working group of the Commission on Human Rights to meet for a period of eight working days prior to the fifty-fourth session of the Commission in order to finalize its elaboration of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms;

2. *Requests* the Secretary-General to extend all necessary facilities, within existing United Nations resources, to the working group for its meetings.

[See chap. II, sect. A, resolution 1997/70,
and chap. XX.]

B. Draft decisions

1. Effects on the full enjoyment of human rights of the economic adjustment policies arising from foreign debt and, in particular, on the implementation of the Declaration on the Right to Development

The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/10 of 3 April 1997, approves the Commission's request that, taking advantage of the current restructuring of the Centre for Human Rights, a unit should be established for the promotion of economic, social and cultural rights, and in particular the implementation of the right to development, bearing in mind the aspects relating to the debt burden of the developing countries.

[See chap. II, sect. A, resolution 1997/10, and chap. V.]

2. Human rights and extreme poverty

The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/11 of 3 April 1997 and resolution 1996/23 of 29 August 1996 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, approves the requests made to the Secretary-General:

(a) To publish the final report of the Special Rapporteur on human rights and extreme poverty in all the United Nations official languages;

(b) To convey the Special Rapporteur's final report to the General Assembly, the Economic and Social Council, the Commission for Social Development, the Commission on Sustainable Development, the Trade and Development Board of the United Nations Conference on Trade and Development, the Executive Boards of the United Nations Development Programme and the United Nations Children's Fund, and the Executive Committee of the United Nations High Commissioner for Refugees for consideration at their next sessions, as well as to any other body to which the Secretary-General considers it should be communicated.

[See chap. II, sect. A, resolution 1997/11, and chap. V.]

3. Migrants and human rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/15 of 3 April 1997, endorses the Commission's decision to establish, within the approved overall budget level for the current biennium, a working group consisting of five intergovernmental experts, appointed on the basis of equitable geographical representation after consultations with the regional groups, to meet for two periods of five working days prior to the fifty-fourth session of the Commission, with a mandate to:

(a) Gather all relevant information from Governments, non-governmental organizations and any other relevant sources on the obstacles existing to the effective and full protection of the human rights of migrants;

(b) Elaborate recommendations to strengthen the promotion, protection and implementation of the human rights of migrants.

The Council also approves the Commission's request to the working group of intergovernmental experts to submit a report to the Commission at its fifty-fourth session under the appropriate agenda item.

[See chap. II, sect. A, resolution 1997/15, and chap. XI.]

4. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/17 of 11 April 1997, endorses the Commission's decision to request the Secretary-General to submit reports to the General Assembly at its fifty-second session and to the Commission on Human Rights at its fifty-fourth session, under the relevant agenda items, on progress towards the realization of the rights set forth in the International Covenant on Economic, Social and Cultural Rights, giving due reflection to:

(a) The views of all relevant national and international organizations, governmental or non-governmental, on the opportuneness and resource implications of appointing a special rapporteur to encourage the promotion and protection of economic, social and cultural rights in general; and

(b) Their reactions to the report of the Committee on Economic, Social and Cultural Rights on a draft optional protocol for the consideration of communications concerning non-compliance with the International Covenant on Economic, Social and Cultural Rights (E/CN.4/1997/105, annex).

[See chap. II, sect. A, resolution 1997/17, and chap. V.]

5. Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief

The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/18 of 11 April 1997, approves the Commission's requests to the Secretary-General to provide all necessary assistance to the Special Rapporteur to enable him to carry out his mandate, to submit an interim report to the General Assembly at its fifty-second session and to report to the Commission at its fifty-fourth session.

[See chap. II, sect. A, resolution 1997/18,
and chap. XIX.]

6. Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/23 of 11 April 1997, endorses the Commission's decision to extend the mandate of the Special Rapporteur on the independence of judges and lawyers for a further period of three years and its request to the Special Rapporteur to submit a report on the activities relating to his mandate to the Commission at its fifty-fourth session.

[See chap. II, sect. A, resolution 1997/23,
and chap. VIII.]

7. United Nations staff

The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/25 of 11 April 1997, endorses the Commission's decision to request the Secretary-General:

(a) To submit to the General Assembly at its fifty-second session a report on the situation of United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation who are imprisoned, missing or held in a country against their will, on new cases which have been successfully settled, and on the implementation of the measures referred to in Commission resolution 1997/25;

(b) To commission a comprehensive and independent study, from within existing resources, to shed further light on the safety and security problems faced by United Nations and other personnel carrying out activities in the fulfilment of the mandate of a United Nations operation, taking into account the evolution of the nature of United Nations missions around the world and the greater responsibilities of those personnel, giving due consideration to the views of the main United Nations agencies concerned and of relevant international organizations, both intergovernmental and non-governmental.

[See chap. II, sect. A, resolution 1997/25,
and chap. VIII.]

8. A permanent forum for indigenous people in the United Nations system

The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/30 of 11 April 1997, approves the Commission's request to the High Commissioner/Centre for Human Rights to convene, for a period of three days prior to the fifteenth session of the Working Group on Indigenous Populations, a second workshop on the possible establishment of a permanent forum for indigenous people, in accordance with established United Nations practice and with the participation of representatives of Governments, organizations of indigenous people, non-governmental organizations and United Nations bodies, organizations and specialized agencies and with, *inter alia*, the results of the Copenhagen workshop and the Secretary-General's review as the basis for discussions.

[See chap. II, sect. A, resolution 1997/30, and chap. XXIV.]

9. Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the International Decade of the World's Indigenous People

The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/32 of 11 April 1997, authorizes the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to meet for five working days prior to the forty-ninth session of the Sub-Commission, and approves the Commission's requests to the Secretary-General:

(a) To give adequate resources and assistance to the Working Group in discharging its tasks, including adequate dissemination of information about the activities of the Working Group to Governments, specialized agencies, non-governmental organizations and organizations of indigenous people, in order to encourage the widest possible participation in its work;

(b) To transmit the reports of the Working Group to Governments, organizations of indigenous people and intergovernmental and non-governmental organizations, as soon as possible, for specific comments and suggestions.

The Council also approves the Commission's recommendation that the United Nations High Commissioner for Human Rights assume responsibility for coordination of the International Decade of the World's Indigenous People, as well as the Commission's request to the High Commissioner to consider organizing, taking into account the United Nations Decade for Human Rights Education and recognizing the importance of strengthening the capacity of indigenous people to develop their own solutions to their problems, a workshop for research and higher education institutions focusing on indigenous issues in education, to improve exchange of information between such institutions and to encourage future cooperation, in consultation with indigenous people and in collaboration with the United Nations Educational, Scientific and Cultural Organization and other relevant United Nations bodies.

[See chap. II, sect. A, resolution 1997/32,
and chap. XXIV.]

10. Human rights and thematic procedures

The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/37 of 11 April 1997, approves the Commission's request to the Secretary-General, in implementing the United Nations budget for the biennium 1998-1999, to ensure the availability of such resources as are necessary for the effective implementation of all thematic mandates, including any additional tasks entrusted to the thematic special rapporteurs and working groups by the Commission.

[See chap. II, sect. A, resolution 1997/37,
and chap. IX.]

11. Torture and other cruel, inhuman or degrading treatment or punishment

The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/38 of 11 April 1997, approves the Commission's request to the General Assembly, in preparing the fiftieth anniversary of the Universal Declaration of Human Rights, to proclaim 26 June a United Nations international day in support of the victims of torture and the total eradication of torture, and the effective functioning of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which entered into force on 26 June 1987.

The Council also approves the Commission's requests to the Secretary-General to continue to include the United Nations Voluntary Fund for Victims of Torture on an annual basis among the programmes for which funds are pledged at the United Nations Pledging Conference for Development Activities, and to ensure, within the overall budgetary framework of the United Nations, the provision of an adequate and stable level of staffing as well as the necessary technical facilities for the United Nations bodies and mechanisms dealing with torture, in order to ensure their effective performance.

[See chap. II, sect. A, resolution 1997/38,
and chap. VIII.]

12. Internally displaced persons

The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/39 of 11 April 1997, approves the Commission's requests to the Secretary-General to ensure the rapid publication, in all the United Nations working languages, and wide dissemination of the compilation and analysis of legal norms submitted by his representative on internally displaced persons, and to provide his representative, from within existing resources, with all necessary assistance to carry out his mandate effectively.

[See chap. II, sect. A, resolution 1997/39,
and chap. IX.]

13. National institutions for the promotion and protection of human rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/40 of 11 April 1997, approves the Commission's requests to the Secretary-General:

(a) To continue to provide, from within existing resources, the necessary assistance for holding meetings of the Coordinating Committee created by national institutions during the sessions of the Commission on Human Rights, under the auspices of, and in cooperation with, the High Commissioner/Centre for Human Rights;

(b) To continue to provide, from within existing resources and the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, the necessary assistance for regional meetings of national institutions;

(c) To convene, within existing resources, a fourth international workshop on national institutions for the promotion and protection of human rights, to be held in Mexico during 1997.

[See chap. II, sect. A, resolution 1997/40,
and chap. IX.]

14. Development of public information activities in the field of human rights, including the World Public Information Campaign for Human Rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/41 of 11 April 1997, approves the Commission's request to the Secretary-General to make available adequate resources from within the regular budget of the United Nations in order to allow the High Commissioner/Centre for Human Rights and the Department of Public information to implement fully their expanded publications programme.

[See chap. II, sect. A, resolution 1997/41,
and chap. IX.]

15. The elimination of violence against women

The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/44 of 11 April 1997, endorses the Commission's decision that the mandate of the Special Rapporteur on violence against women, its causes and consequences should be renewed for a period of three years, and approves the Commission's request to the Special Rapporteur to report annually to the Commission, beginning at the fifty-fourth session, on activities relating to her mandate.

[See chap. II, sect. A, resolution 1997/44, and chap. IX.]

16. Regional arrangements for the promotion and protection of human rights in the Asian and Pacific region

The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/45 of 11 April 1997, approves the Commission's request to the Secretary-General:

(a) To facilitate the holding of the sixth workshop on regional arrangements for the promotion and protection of human rights in the Asian and Pacific region in Tehran under the regular budget of the United Nations for the programme of advisory services and technical cooperation in the field of human rights;

(b) To give adequate attention to the countries of the Asian and Pacific region by allocating more resources from existing United Nations funds to enable the countries of the region to benefit from all the activities under the programme of advisory services and technical cooperation in the field of human rights;

(c) To maintain a continuing flow of human rights material to the library of the Economic and Social Commission for Asia and the Pacific;

(d) To support the regional technical cooperation programme for the Asian and Pacific region and to provide resources for its implementation;

(e) To establish, in accordance with the conclusions of the fifth workshop on regional human rights arrangements in the Asian and Pacific region, an open-ended team comprised of representatives of interested Governments of the region and, in consultation with the Centre for Human Rights, national institutions and non-governmental organizations:

(i) To ensure the effective preparation of the next workshop;

(ii) To design a regional technical cooperation programme to facilitate the development of regional arrangements.

[See chap. II, sect. A, resolution 1997/45, and chap. IX.]

17. Advisory services, technical cooperation and the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/46 of 11 April 1997, approves the Commission's requests to the Secretary-General:

(a) To allocate to the human rights programme, in the context of the budgetary planning for the biennium 1998-1999, more human and financial resources for the enlargement of the programme of advisory services and technical cooperation in the field of human rights in order to meet the substantially increased demand;

(b) In accordance with Part II, paragraph 16, of the Vienna Declaration and Programme of Action and in cooperation with the Board of Trustees of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights as advisory body, to continue to ensure more efficient management of the Voluntary Fund, strict and transparent project management rules, periodic evaluations of the programme and projects, and the dissemination of evaluation results, including programme implementation and financial accounting reports, as well as to arrange for the holding of information meetings open to all Member States and organizations directly involved in the advisory services and technical cooperation programme;

(c) To continue to provide the necessary administrative assistance for the Board, to arrange meetings of the Board and to ensure that its conclusions are reflected in the annual report to the Commission on Human Rights on technical cooperation in the field of human rights.

The Council also approves the Commission's request to the Board of Trustees to continue to exercise its full mandate as advisory body to promote and solicit contributions to the Voluntary Fund and to continue to assist the United Nations High Commissioner for Human Rights in monitoring, reviewing and improving constantly the implementation of technical cooperation projects, the conduct of comprehensive needs assessments and the monitoring of ongoing as well as the evaluation of completed projects, as well as the Commission's invitation to the Chairman of the Board to address the Commission.

[See chap. II, sect. A, resolution 1997/46,
and chap. XVIII.]

18. Assistance to Somalia in the field of human rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/47 of 11 April 1997, approves the Commission's request to the independent expert to report on the human rights situation in Somalia to the Commission at its fifty-fourth session, in particular on the basis of a detailed assessment of the means necessary to establish a programme of advisory services and technical cooperation through, *inter alia*, the contribution of agencies and programmes of the United Nations in the field, as well as of the non-governmental sector.

The Council also approves the Commission's request to the Secretary-General to provide the independent expert with all necessary assistance in carrying out her mandate and to provide adequate resources, from within existing overall United Nations resources, to fund the activities of the independent expert and the High Commissioner/Centre for Human Rights for the implementation of advisory services and technical cooperation.

[See chap. II, sect. A, resolution 1997/47,
and chap. XVIII.]

19. Situation of human rights in Cambodia

The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/49 of 11 April 1997, approves the Commission's requests to the Secretary-General:

(a) Through his Special Representative for human rights in Cambodia, in collaboration with the Centre for Human Rights, to assist the Government of Cambodia in ensuring the protection of the human rights of all people in Cambodia and to ensure adequate resources, from within existing resources, for the enhanced functioning of the operational presence in Cambodia of the Centre for Human Rights;

(b) To provide all necessary resources, from within the regular budget of the United Nations, to enable the Special Representative to continue to fulfil his tasks expeditiously;

(c) Through his Special Representative for human rights in Cambodia, in collaboration with the Centre for Human Rights, to examine any request by Cambodia for assistance in responding to past serious violations of Cambodian and international law as a means of bringing about national reconciliation, strengthening democracy and addressing the issue of individual accountability;

(d) To consider favourably, within existing United Nations resources, any request from the Government of Cambodia for assistance with the holding of the elections in Cambodia.

[See chap. II, sect. A, resolution 1997/49,
and chap. XVIII.]

20. Question of arbitrary detention

The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/50 of 15 April 1997, endorses the Commission's decision to renew, for a three-year period, the mandate of the Working Group on Arbitrary Detention, composed of five independent experts entrusted with the task of investigating cases of deprivation of liberty imposed arbitrarily, provided that no final decision has been taken in such cases by domestic courts in conformity with domestic law, with the relevant international standards set forth in the Universal Declaration of Human Rights and with the relevant international instruments accepted by the States concerned.

The Council also approves the Commission's request to the Secretary-General to ensure that the Working Group receives all necessary assistance, particularly in regard to staffing and resources needed to discharge its mandate, and notably with respect to field missions.

[See chap. II, sect. A, resolution 1997/50, and chap. VIII.]

21. Assistance to Guatemala in the field of human rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/51 of 15 April 1997, approves the Commission's request to the Secretary-General to send a mission to Guatemala at the end of 1997, within the approved overall budget for the current biennium, to submit a report to the Commission on Human Rights at its fifty-fourth session on the evolution of the situation of human rights in Guatemala in the light of the implementation of the Peace Agreements, taking into account the verification work done by the United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala (MINUGUA) and the information submitted by the Government of Guatemala, the Follow-up Commission on compliance with the Peace Agreements, the political organizations and non-governmental human rights organizations, as well as on the implementation of the agreement on the provision of advisory services in the field of human rights signed by the Government of Guatemala and the United Nations High Commissioner for Human Rights, with a view to concluding the consideration of the case of Guatemala in the agenda of the Commission.

[See chap. II, sect. A, resolution 1997/51, and chap. XVIII.]

22. Situation of human rights in Haiti

The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/52 of 15 April 1997, approves the Commission's request to the General Assembly to study the possibility of extending the mandate of the International Civilian Mission to Haiti which expires in July 1997, and its invitation to the independent expert to inform the General Assembly at its fifty-second session and the Commission on Human Rights at its fifty-fourth session about the development of the human rights situation in Haiti.

[See chap. II, sect. A, resolution 1997/52, and chap. XVIII.]

23. Situation of human rights in Nigeria

The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/53 of 15 April 1997, endorses the Commission's decision to invite the Chairman of the Commission to appoint, after consultations with the Bureau, a special rapporteur on the situation of human rights in Nigeria, with a mandate to establish direct contacts with the authorities and the people of Nigeria, and approves its request to the special rapporteur to report to the General Assembly at its fifty-second session and to the Commission at its fifty-fourth session, on the basis of any information which might be gathered, and to keep a gender perspective in mind when seeking and analysing information.

The Council also endorses the Commission's decision to request the Secretary-General, in the discharge of his good offices mandate and in cooperation with the Commonwealth, to continue further discussions with the Government of Nigeria and to report on progress in the implementation of Commission resolution 1997/53 and possibilities for the international community to lend practical assistance to Nigeria in achieving the restoration of democratic rule and the full enjoyment of human rights and fundamental freedoms.

[See chap. II, sect. A, resolution 1997/53,
and chap. X.]

24. Situation of human rights in the Islamic Republic of Iran

The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/54 of 15 April 1997, endorses the Commission's decision to extend the mandate of the Special Representative, as contained in Commission resolution 1984/54 of 14 March 1984, for a further year, and approves its request to the Special Representative to submit an interim report to the General Assembly at its fifty-second session, to report to the Commission at its fifty-fourth session, and to keep a gender perspective in mind when seeking and analysing information.

The Council also approves the Commission's decision to request the Secretary-General to continue to give all necessary assistance to the Special Representative to enable him to discharge his mandate fully.

[See chap. II, sect. A, resolution 1997/54,
and chap. X.]

25. Human rights situation in southern Lebanon and West Bekaa

The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/55 of 15 April 1997, approves the Commission's requests to the Secretary-General:

(a) To bring Commission resolution 1997/55 to the attention of the Government of Israel and to invite it to provide information concerning the extent of its implementation thereof;

(b) To report to the General Assembly at its fifty-second session and to the Commission on Human Rights at its fifty-fourth session on the results of his efforts in this regard.

[See chap. II, sect. A, resolution 1997/55,
and chap. X.]

26. Situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)

The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/57 of 15 April 1997, approves the Commission's requests to the Special Rapporteur, in addition to the activities mandated in Commission resolutions 1994/72 and 1996/71 of 9 March 1994 and 23 April 1996, respectively:

(a) To focus her future activities on prevention and reporting of violations of, and lack of action to protect, all human rights and fundamental freedoms by governmental authorities, particularly violations that exacerbate ethnic tension, and on protecting the rights of persons belonging to minorities, women and vulnerable groups such as children and the elderly, particularly their right to return to their homes in safety and dignity;

(b) To continue to support the High Representative's efforts to report on implementation of the Peace Agreement by exchanging information and advice on the human rights situation in the territories covered by her mandate with the High Representative, the Organization for Security and Cooperation in Europe and other competent organizations, and by providing to the High Representative her recommendations concerning compliance with the human rights elements of the Agreement;

(c) To contribute to efforts for the building of democratic institutions and the improvement of the administration of justice, for the prevention and reporting of violations by civil authorities, particularly violations that exacerbate ethnic tension, and for the protection of the rights of persons belonging to minorities, women and vulnerable groups such as children and the elderly, particularly their right to return to their homes in safety and dignity;

(d) To act on behalf of the United Nations in dealing with the question of the missing, including through participation in the Expert Group on Exhumations and Missing Persons of the Office of the High Representative and the Working Group on Missing Persons Chaired by the International Committee of the Red Cross and attendance at meetings of the International Commission on Missing Persons, to contribute to a smooth transition between the mandate of the expert for the special process and the organizations to which his functions are to be transferred, and to report to the Commission on Human Rights about activities concerning missing persons in the former Yugoslavia;

(e) To provide the Commission at its fifty-fourth session with her overview of the human rights situation in the territories covered by her mandate, as requested in Commission resolution 1996/71.

The Council endorses the Commission's decision to extend for one year the mandate of the Special Rapporteur as revised in Commission resolution 1997/57, and its requests that she continue her vital efforts, especially by continuing to carry out missions to:

(a) Bosnia and Herzegovina;

(b) The Republic of Croatia, including Eastern Slavonia, Baranja and Western Sirmium;

(c) The Federal Republic of Yugoslavia (Serbia and Montenegro), including to Kosovo, as well as to Sandjak and Vojvodina,

and that she continue to submit periodic reports to the General Assembly and the Commission on Human Rights.

The Council also endorses the Commission's decisions:

(a) To request the Special Rapporteur to provide a final report on the former Yugoslav Republic of Macedonia to the Commission no later than 30 September 1997 and, unless the Special Rapporteur recommends otherwise in her report, to discontinue its consideration of the former Yugoslav Republic of Macedonia upon delivery of that report;

(b) To request the Secretary-General to continue to make the Special Rapporteur's reports available to the Security Council and the Organization for Security and Cooperation in Europe;

(c) To urge the Secretary-General, from within existing resources, to make all necessary resources available for the Special Rapporteur to carry out her mandate successfully and, in particular, to provide her with adequate staff based in the territories covered by her mandate to ensure effective continuous monitoring of the human rights situation there and coordination with other international organizations involved.

[See chap. II, sect. A, resolution 1997/57,
and chap. X.]

27. Situation of human rights in Zaire

The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/58 of 15 April 1997, endorses the Commission's decisions:

(a) To request the Special Rapporteurs on the situation of human rights in Zaire and on extrajudicial, summary or arbitrary executions and a member of the Working Group on Enforced or Involuntary Disappearances to carry out a joint mission to investigate allegations of massacres and other issues affecting human rights which arise from the situation prevailing in eastern Zaire since September 1996 and to report to the General Assembly by 30 June 1997 and to the Commission at its fifty-fourth session;

(b) To request the United Nations High Commissioner for Human Rights to facilitate the activities of the joint mission, in particular with respect to its funding, in order to accelerate its work, and to provide appropriate technical expertise to enable the mission to fulfil its mandate.

The Council also endorses the Commission's decisions:

(a) To extend the mandate of the Special Rapporteur on the situation of human rights in Zaire for a further year, to request the Special Rapporteur to submit an interim report to the General Assembly at its fifty-second session and to report to the Commission at its fifty-fourth session, and also to request the Special Rapporteur to continue to apply a gender perspective to a greater extent in drawing up his reports, including in the collection of information and recommendations;

(b) To request the Secretary-General to continue to give all necessary assistance to the Special Rapporteur to enable him to discharge his mandate fully.

[See chap. II, sect. A, resolution 1997/58,
and chap. X.]

28. Situation of human rights in the Sudan

The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/59 of 15 April 1997, endorses the Commission's decision to extend the mandate of the Special Rapporteur for an additional year, and approves its request to the Secretary-General to give the Special Rapporteur all necessary assistance, from within existing resources, in the discharge of his mandate.

The Council also approves the Commission's requests to the Special Rapporteur to report to the Commission on the future need for human rights field officers, with the understanding that the Commission will, at its fifty-fourth session, reassess such need, and to report his findings and recommendations to the General Assembly at its fifty-second session and to the Commission at its fifty-fourth session.

[See chap. II, sect. A, resolution 1997/59,
and chap. X.]

29. Situation of human rights in Iraq

The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/60 of 16 April 1997, endorses the Commission's decision to extend the mandate of the Special Rapporteur, as contained in Commission resolution 1991/74 of 6 March 1991 and subsequent resolutions, for a further year, and to request the Special Rapporteur to submit an interim report on the situation of human rights in Iraq to the General Assembly at its fifty-second session and to report to the Commission at its fifty-fourth session.

The Council also approves the Commission's request to the Secretary-General to continue to give all necessary assistance to the Special Rapporteur to enable him to discharge his mandate fully, and to approve the allocation of sufficient human and material resources for the sending of human rights monitors to such locations as would facilitate improved information on the situation of human rights in Iraq.

[See chap. II, sect. A, resolution 1997/60,
and chap. X.]

30. Extrajudicial, summary or arbitrary executions

The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/61 of 16 April 1997, approves the Commission's requests to the Secretary-General:

(a) To provide the Special Rapporteur on extrajudicial, summary or arbitrary executions, from within existing resources, with additional human, financial and material resources, in order to enable him to carry out his mandate effectively, including through country visits;

(b) To continue, in close collaboration with the United Nations High Commissioner for Human Rights, in conformity with his mandate established by the General Assembly in its resolution 48/141 of 20 December 1993, to ensure that personnel specialized in human rights and humanitarian law issues form part of United Nations missions, where appropriate, in order to deal with serious human rights violations, such as extrajudicial, summary or arbitrary executions.

[See chap. II, sect. A, resolution 1997/61,
and chap. X.]

31. Human rights in Cuba

The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/62 of 16 April 1997, endorses the Commission's decision to extend the mandate of the Special Rapporteur for one year, and approves its request to the Secretary-General to provide all necessary assistance to the Special Rapporteur.

The Council also approves the Commission's request to the Special Rapporteur to submit an interim report to the General Assembly at its fifty-second session and to report to the Commission at its fifty-fourth session on the results of his endeavours pursuant to Commission resolution 1997/62.

[See chap. II, sect. A, resolution 1997/62, and chap. X.]

32. Situation of human rights in Myanmar

The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/64 of 16 April 1997, endorses the Commission's decision to extend the mandate of the Special Rapporteur, as contained in Commission resolution 1992/58 of 3 March 1992, for a further year, and to request the Special Rapporteur to submit an interim report to the General Assembly at its fifty-second session on human rights in Myanmar and to report to the Commission at its fifty-fourth session, and to keep a gender perspective in mind when seeking and analysing information.

The Council also approves the Commission's request to the Secretary-General to continue to give all necessary assistance to the Special Rapporteur to enable him to discharge his mandate fully.

[See chap. II, sect. A, resolution 1997/64, and chap. X.]

33. Situation of human rights in Afghanistan

The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/65 of 16 April 1997, endorses the Commission's decision to extend the mandate of the Special Rapporteur for one year, and to request the Special Rapporteur to report on the situation of human rights in Afghanistan to the Commission at its fifty-fourth session and to consider submitting a report to the General Assembly at its fifty-second session, and approves the Commission's request to the Secretary-General to give all necessary assistance to the Special Rapporteur.

The Council also approves the Commission's request to the United Nations High Commissioner for Human Rights to ensure a human rights presence in the context of the United Nations activities in Afghanistan in order to provide professional advice to all the Afghan parties, as well as to the intergovernmental and non-governmental organizations active in the field.

[See chap. II, sect. A, resolution 1997/65, and chap. X.]

34. Situation of human rights in Rwanda

The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/66 of 16 April 1997, approves the Commission's request to the Chairman of the Commission to appoint a special representative with the mandate to make recommendations on how to improve the human rights situation in Rwanda, to facilitate the creation and effective functioning of an independent national human rights commission in Rwanda, and further to make recommendations on situations in which technical assistance to the Government of Rwanda in the field of human rights may be appropriate, as well as its request to the special representative to report to the General Assembly at its fifty-second session and to the Commission at its fifty-fourth session in accordance with his mandate.

The Council also approves the Commission's requests to the United Nations High Commissioner for Human Rights:

(a) To continue to report regularly on the activities and findings of the Human Rights Field Operation in Rwanda, and to make those reports widely and promptly available to both the Commission on Human Rights and the General Assembly;

(b) To submit a report to the Commission on Human Rights at its fifty-fourth session and to the General Assembly at its fifty-second session on the implementation of Commission resolution 1997/66, under the agenda item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

[See chap. II, sect. A, resolution 1997/66, and chap. X.]

35. Situation of human rights in Equatorial Guinea and assistance in the field of human rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/67 of 16 April 1997, endorses the Commission's decision to renew the mandate of the Special Rapporteur for one year, and approves its request to the Special Rapporteur to report to the Commission at its fifty-fourth session.

The Council also approves the Commission's requests:

(a) To the Secretary-General to provide the Special Rapporteur with all the assistance necessary for the discharge of his mandate;

(b) To the High Commissioner/Centre for Human Rights to establish a technical cooperation programme for strengthening the national capacities of Equatorial Guinea in the field of human rights;

(c) To the High Commissioner/Centre for Human Rights and the Special Rapporteur to continue their technical assistance projects in partnership with the Government of Equatorial Guinea and in cooperation with the United Nations Development Programme and other United Nations agencies working in the field of human rights.

[See chap. II, sect. A, resolution 1997/67,
and chap. X.]

36. Right to development

The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/72 of 16 April 1997, approves the Commission's request to the Secretary-General to submit to the General Assembly at its fifty-third session and to the Commission on Human Rights at its fifty-fourth session a comprehensive report on the implementation of the various provisions of Commission resolution 1997/72.

[See chap. II, sect. A, resolution 1997/72,
and chap. VI.]

37. Measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance

The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/73 of 18 April 1997, endorses the Commission's request to the Secretary-General to provide the Special Rapporteur, without any further delay, with all the appropriate assistance and resources to carry out his mandate and enable him to submit an interim report to the General Assembly at its fifty-second session and a comprehensive report to the Commission at its fifty-fourth session.

[See chap. II, sect. A, resolution 1997/73,
and chap. XIII.]

38. Racism, racial discrimination, xenophobia and related intolerance

The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/74 of 18 April 1997, approves the Commission's requests:

(a) To the Secretary-General to submit to the General Assembly at its fifty-second session a detailed report on the financial and personnel resources required for the implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination and invites the General Assembly to consider the possibility of providing the resources required for the implementation of the Programme of Action for the Third Decade;

(b) To the United Nations High Commissioner for Human Rights to take duly into account, within the framework of the restructuring of the Centre for Human Rights, the repeated appeals of the General Assembly and the Economic and Social Council for the establishment of a mechanism within the Centre for Human Rights as a focal point for coordinating all the activities of the Third Decade before they are carried out by the United Nations;

(c) To the Secretary-General to provide the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, without further delay, with all the necessary assistance and resources to carry out his mandate and enable him to submit an interim report to the General Assembly at its fifty-second session and a comprehensive report to the Commission at its fifty-fourth session.

The Council endorses the Commission's decision to recommend to the General Assembly the convening of a world conference on racism and racial discrimination, xenophobia and related intolerance, whose main objectives will be:

(a) To review progress made in the fight against racism, racial discrimination, xenophobia and related intolerance, particularly since the adoption of the Universal Declaration of Human Rights, and to reappraise the obstacles to further progress in the field and ways to overcome them;

(b) To consider ways and means better to ensure the application of existing standards and the implementation of the existing instruments to combat racism, racial discrimination, xenophobia and related intolerance;

(c) To increase the level of awareness about the scourge of racism and racial discrimination, xenophobia and related intolerance;

(d) To formulate concrete recommendations on ways to increase the effectiveness of the activities and mechanisms of the United Nations through programmes aimed at combating racism, racial discrimination, xenophobia and related intolerance;

(e) To review the political, historical, economic, social, cultural and any other factors leading to racism, racial discrimination, xenophobia and related intolerance;

(f) To formulate concrete recommendations to further action-oriented national, regional and international measures to combat all forms of racism, racial discrimination, xenophobia and related intolerance;

(g) To draw up concrete recommendations for ensuring that the United Nations has the financial and other necessary resources for its action to combat racism, racial discrimination, xenophobia and related intolerance.

The Council also endorses the Commission's recommendations to the General Assembly:

(a) That the world conference on racism and racial discrimination, xenophobia and related intolerance be convened not later than the year 2001;

(b) That when deciding on the agenda of the world conference on racism and racial discrimination, xenophobia and related intolerance it take into consideration, inter alia, the need to address in a comprehensive manner all forms of racism, racial discrimination, xenophobia and related contemporary forms of intolerance;

(c) That the world conference on racism and racial discrimination, xenophobia and related intolerance be action-oriented and focus on practical measures to eradicate racism, including through measures of prevention, education and protection and the provision of effective remedies, taking into full consideration the existing human rights instruments;

(d) That it decide that the Commission on Human Rights should act as the preparatory committee for the world conference on racism and racial discrimination, xenophobia and related intolerance and that its deliberations should be open-ended, allowing for the full participation of all States Members of the United Nations, members of specialized agencies and observers, in accordance with established practice;

(e) That it request Governments, the specialized agencies, other international organizations, concerned United Nations bodies, regional organizations, non-governmental organizations concerned with human rights, the Committee on the Elimination of Racial Discrimination, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and other human rights mechanisms to assist the preparatory committee and to undertake reviews and submit recommendations concerning the conference and the preparations therefor to the preparatory committee through the Secretary-General and to participate actively in the conference;

(f) That it call upon States and regional organizations to hold national or regional meetings or to take other initiatives in preparation for the world conference on racism and racial discrimination, xenophobia and related intolerance;

(g) That is request regional preparatory meetings to submit reports to the preparatory committee, through the Secretary-General, on the outcome of their deliberations, including practical and action-oriented recommendations to combat racism, racial discrimination, xenophobia and other related forms of intolerance.

The Council approves the Commission's recommendation that the world conference on racism and racial discrimination, xenophobia and related intolerance be conducted effectively and efficiently and that its size, duration and other cost factors be determined with due regard for economy.

[See chap. II, sect. A, resolution 1997/74,
and chap. XIII.]

39. Human rights and mass exoduses

The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/75 of 18 April 1997, approves the Commission's request to the Secretary-General to give high priority and to allocate the necessary resources to the consolidation and strengthening of the system for undertaking early-warning activities for the purpose of ensuring, inter alia, that effective action is taken to identify all human rights abuses which contribute to mass outflows of persons, and to invite comments on this issue.

[See chap. II, sect. A, resolution 1997/75, and chap. IX.]

40. Strengthening of the Office of the High Commissioner/Centre for Human Rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/76, of 18 April 1997, endorses the Commission's decision to reiterate its request to the Secretary-General to provide the human rights programme with all the necessary human, financial and material resources from future regular budgets of the United Nations, and in particular to take this into account in the budget for the 1998-1999 biennium.

[See chap. II, sect. A, resolution 1997/76, and chap. IX.]

41. Situation of human rights in Burundi

The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/77 of 18 April 1997, endorses the Commission's decision to extend the mandate of the Special Rapporteur for an additional year and its requests to the Special Rapporteur to submit an interim report on the situation of human rights in Burundi to the General Assembly at its fifty-second session and a report to the Commission on Human Rights at its fifty-fourth session, and to apply a gender perspective in his work.

[See chap. II, sect. A, resolution 1997/77, and chap. X.]

42. Rights of the child

The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/78 of 18 April 1997, endorse the Commission's decision:

(a) With regard to the Committee on the Rights of the Child, to request the Secretary-General to ensure the provision of appropriate staff and facilities for the effective and expeditious performance of the functions of the Committee, while noting the Plan of Action of the United Nations High Commissioner for Human Rights to strengthen the implementation of the Convention on the Rights of the Child;

(b) With regard to the Special Rapporteur on the sale of children, child prostitution and child pornography, to request the Secretary-General to provide the Special Rapporteur with all necessary assistance and to urge all relevant parts of the United Nations system to provide the Special Rapporteur with comprehensive reporting to make the full discharge of her mandate possible and to enable her to submit an interim report to the General Assembly at its fifty-second session and a report to the Commission at its fifty-fourth session;

(c) With regard to the question of a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, to request the working group on the question of a draft optional protocol on the sale of children, child prostitution and child pornography to meet for a period of two weeks, or less if possible, prior to the next session of the Commission, in order to finalize the draft optional protocol before the tenth anniversary of the Convention on the Rights of the Child;

(d) With regard to the draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, to request the working group on a draft optional protocol on the involvement of children in armed conflict to meet for a period of two weeks, or less if possible, prior to the next session of the Commission, in order to finalize the draft optional protocol.

[See chap. II, sect. A, resolution 1997/78,
and chap. XXI.]

43. Human rights and the environment

The Economic and Social Council, taking note of Commission on Human Rights decision 1997/102 of 3 April 1997, approves the Commission's decision to invite the Secretary-General to bring his reports on the question of human rights and the environment (E/CN.4/1996/23 and Add.1 and E/CN.4/1997/18) and the Commission on Human Rights' own consideration of this question to the attention of the General Assembly at its special session on Agenda 21, the Commission on Sustainable Development, the United Nations Environment Programme, the United Nations Development Programme and other relevant international bodies and organizations.

[See chap. II, sect. B, decision 1997/102,
and chap. V.]

44. Effects of structural adjustment policies on the full enjoyment of human rights

The Economic and Social Council, taking note of Commission on Human Rights decision 1997/103 of 3 April 1997, endorses the Commission's decision to authorize the open-ended working group on structural adjustment programmes and economic, social and cultural rights to meet for one week, at least four weeks before the fifty-fourth session of the Commission, with a mandate: (a) to gather and analyse information on the efforts of structural adjustment programmes on economic, social and cultural rights; and (b) to elaborate basic policy guidelines on structural adjustment programmes and economic, social and cultural rights which could serve as a basis for a continued dialogue between human rights bodies and the international financial institutions, and to report to the Commission at its fifty-fourth session.

In order that the working group may carry out its mandate, the Council decides:

(a) To request the Chairman of the Commission, in consultation with the regional groups, to appoint an independent expert, preferably an economist specialized in the area of structural adjustment programmes, to study the effects of structural adjustment policies on economic, social and cultural rights in cooperation with the Centre for Human Rights. The expert should update previous work done on this subject within as well as outside the United Nations and submit a consolidated study, including a draft set of guidelines, to the Commission at its fifty-fourth session;

(b) To request the Secretary-General to circulate the study to Governments, United Nations bodies, in particular the regional commissions, the specialized agencies, intergovernmental organizations, non-governmental organizations, particularly those involved in development, and academic institutions and organizations representing disadvantaged and vulnerable groups, and to invite them to submit their comments thereon to the working group at its next session;

(c) To request the Secretary-General specially to invite and encourage non-governmental organizations involved in development and working in the field to participate actively in the sessions of the working group;

(d) To request the Secretary-General to provide all the necessary assistance and resources to enable the working group to complete its work and to provide the independent expert with all the necessary assistance and resources to carry out his/her mandate.

[See chap. II, sect. B, decision 1997/103,
and chap. V.]

45. Traditional practices affecting the health of women and children

The Economic and Social Council, taking note of Commission on Human Rights decision 1997/108 of 11 April 1997, and resolution 1996/19 of 29 August 1996 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, approves the Commission's decision to endorse the decision of the Sub-Commission to extend the mandate of the Special Rapporteur, Ms. Halima Embarek Warzazi, for a further two years in order to follow up and monitor developments in the elimination of traditional practices affecting the health of women and children through, in particular, the implementation of the Plan of Action for the Elimination of Traditional Practices Affecting the Health of Women and Children (E/CN.4/Sub.2/1994/10/Add.1 and Corr.1).

[See chap. II, sect. B, decision 1997/108,
and chap. XVI.]

46. The right to a fair trial

The Economic and Social Council, recalling its decision 1995/299 of 25 July 1995 and taking note of Commission on Human Rights decision 1997/109 of 11 April 1997, approves the Commission's decision to endorse the request by the Sub-Commission on Prevention of Discrimination and Protection of Minorities that the full and updated study on the right to a fair trial and a remedy be published as described in Sub-Commission resolution 1996/29 of 29 August 1996, and requests the Secretary-General to provide all assistance necessary for the compilation and publication of the updated study.

[See chap. II, sect. B, decision 1997/109,
and chap. VIII.]

47. Question of human rights and states of emergency

The Economic and Social Council, taking note of Commission on Human Rights decision 1997/110 of 11 April 1997, and resolution 1996/30 of 29 August 1996 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorses the Commission's decision to request the Special Rapporteur on the question of human rights and states of emergency, Mr. Leandro Despouy, to submit in his tenth annual report an updated list of States which have proclaimed, extended or terminated a state of emergency, together with final conclusions on the protection of human rights during states of emergency and specific recommendations as to how this question should be dealt with in the future.

[See chap. II, sect. B, decision 1997/110,
and chap. VIII.]

48. Protection of the heritage of indigenous people

The Economic and Social Council, taking note of Commission on Human Rights decision 1997/112 of 11 April 1997, and resolution 1996/37 of 29 August 1996 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorses the Commission's decision to recommend that the Special Rapporteur, Ms. Erica-Irene A. Daes, be entrusted with a continuing mandate to exchange information with all parts of the United Nations system involved in activities concerned with the heritage of indigenous people, with the purpose of facilitating cooperation and coordination and of promoting the full participation of indigenous people in these efforts.

The Council also approves the Commission's request to the Secretary-General to provide the Special Rapporteur of the Sub-Commission with all the assistance necessary to accomplish her work.

[See chap. II, sect. B, decision 1997/112,
and chap. XXIV.]

49. Study on treaties, agreements and other constructive arrangements between States and indigenous populations

The Economic and Social Council, taking note of Commission on Human Rights decision 1997/113 of 11 April 1997, and decision 1996/118 of 29 August 1996 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, approves the Commission's decision to endorse the decision of the Sub-Commission to request the Special Rapporteur of the Sub-Commission on the study on treaties, agreements and other constructive arrangements between States and indigenous populations, Mr. Miguel Alfonso Martínez, to submit his final report in time for it to be considered by the Working Group on Indigenous Populations at its fifteenth session and by the Sub-Commission at its forty-ninth session.

The Council also approves the Commission's request to the Secretary-General to give the Special Rapporteur all the assistance necessary to enable him to conclude his study, in particular by providing for specialized research assistance and for special consultations with the Centre for Human Rights.

[See chap. II, sect. B, decision 1997/113,
and chap. XXIV.]

50. Study on indigenous land rights

The Economic and Social Council, taking note of Commission on Human Rights decision 1997/114 of 11 April 1997, and resolution 1996/38 of 29 August 1996 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorses the Commission's decision to approve the appointment of Ms. Erica-Irene A. Daes as Special Rapporteur to prepare, from within existing resources, a working paper on indigenous people and their relationship to land with a view to suggesting practical measures to address ongoing problems in this regard.

The Council also approves the Commission's request to the Secretary-General to provide the Special Rapporteur with the assistance necessary to enable her to complete her work.

[See chap. II, sect. B, decision 1997/114,
and chap. XXIV.]

51. Organization of the work of the fifty-fourth session

The Economic and Social Council, taking note of Commission on Human Rights decision 1997/119 of 16 April 1997, authorizes, if possible within existing financial resources, 40 fully serviced additional meetings, including summary records, in accordance with rules 29 and 31 of the rules of procedure of the functional commissions of the Economic and Social Council, for the Commission's fifty-fourth session. The Council approves the Commission's request to the Chairman of the Commission at its fifty-fourth session to make every effort to organize the work of the session within the times normally allotted, so that the additional meetings authorized by the Council would be utilized only if absolutely necessary.

[See chap. II, sect. B, decision 1997/119,
and chap. III.]

52. Organization of the work of the fifty-fourth session

The Economic and Social Council, taking note of Commission on Human Rights decision 1997/123 of 18 April 1997, approves the Commission's recommendation, in the light of the positive experience gained by rescheduling the dates of its fifty-second and fifty-third sessions, pursuant to Council decision 1994/297 of 29 July 1994, and bearing in mind Council decision 1995/296 of 25 July 1995, that the Commission's annual regular session be rescheduled to take place in March/April each year, instead of earlier in the year, and that, accordingly, the fifty-fourth session should take place from 16 March to 24 April 1998.

[See chap. II, sect. B, decision 1997/123,
and chap. III.]

II. RESOLUTIONS AND DECISIONS ADOPTED BY THE COMMISSION AT ITS FIFTY-THIRD SESSION

A. *Resolutions*

1997/1. *Question of the violation of human rights in the occupied Arab territories, including Palestine*

The Commission on Human Rights,

Guided by the purposes and principles of the Charter of the United Nations, as well as by the provisions of the Universal Declaration of Human Rights,

Guided also by the provisions of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

Taking into consideration the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the provisions of Additional Protocol I thereto, and the Hague Convention IV of 1907,

Recalling the resolutions of the Security Council, the General Assembly and the Commission on Human Rights related to the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War to the Palestinian territories, including Jerusalem, and other occupied Arab territories,

Recalling also the General Assembly resolutions on Israeli violations of human rights in the Palestinian occupied territories, since 1967 and until now,

Recalling further the provisions of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in June 1993 (A/CONF.157/23),

Taking note of the report (E/CN.4/1997/16) of the Special Rapporteur, Mr. Hannu Halinen, regarding his mission undertaken in accordance with Commission resolution 1993/2 A of 19 February 1993,

Taking note also of the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories submitted to the General Assembly since 1968, including the latest (A/51/99/Add.2),

Noting with great concern the continued Israeli refusal to abide by the resolutions of the Security Council, the General Assembly and the Commission on Human Rights calling upon Israel to put an end to the violations of human rights and affirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War to the Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem, Welcoming anew the signing of the Declaration of Principles on Interim Self-Government Arrangements by the Government of Israel and the Palestine Liberation Organization on 13 September 1993 and of the following agreements, whereby violations of human rights will end through the implementation of these agreements and the full withdrawal of Israeli forces from the occupied Palestinian territories, including Jerusalem,

Recalling all its previous resolutions on the subject, including the latest, resolution 1996/3 of 11 April 1996,

1. Condemns the continued violations of human rights in the occupied Palestinian territories since the signing of the Declaration of Principles on Interim Self-Government Arrangements by the Government of Israel and the Palestine Liberation Organization on 13 September 1993, in particular the continuation of acts of killing, the detention of thousands of Palestinians without trial, the continuation of the confiscation of lands, the extension and the establishment of Israeli settlements, the confiscation of property of Palestinians and expropriation of their land, and calls upon Israel to cease these acts immediately;

2. Also condemns the opening of a tunnel under the Al Aqsa mosque, the establishment of an Israeli settlement on Jabal Abu Ghenaim in occupied Arab Jerusalem, the revocation of identity cards of the citizens of the Palestinian city of Jerusalem and forcing them to live outside their home with the aim of the Judaization of Jerusalem, and calls upon the Government of Israel to close the tunnel and to put an end immediately to these practices;

3. Further condemns the use of torture against Palestinians during interrogation, which the Israeli High Court of Justice has legitimized, and calls upon the Government of Israel to refrain immediately from the current interrogation practices and to work on abolishing the above-mentioned legitimization;

4. Reaffirms that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, is applicable to the Palestinian and other Arab territories occupied by Israel since 1967, including Jerusalem, and considers any change in the geographical and demographic status of the city of Jerusalem from its situation prior to the June 1967 war to be illegal and void;

5. Calls upon Israel to cease immediately its policy of enforcing collective punishments, such as demolition of houses and closure of the Palestinian territory, a measure which threatens thousands of Palestinians with hunger and endangers their lives;

6. Calls once more upon Israel, the occupying Power, to desist from all forms of violation of human rights in the Palestinian and other occupied Arab territories and to respect the bases of international law, the principles of international humanitarian law and its commitments to the provisions of the Charter and resolutions of the United Nations;

7. Also calls upon Israel to withdraw from the Palestinian territories, including Jerusalem, and the other occupied Arab territories in accordance with the relevant resolutions of the United Nations and the Commission on Human Rights;

8. Requests the Secretary-General to bring the present resolution to the attention of the Government of Israel and all other Governments, the competent United Nations organs, the specialized agencies, regional intergovernmental organizations and international humanitarian organizations, to disseminate it on the widest possible scale, and to report on its implementation by the Government of Israel to the Commission on Human Rights at its fifty-fourth session;

9. Also requests the Secretary-General to provide the Commission on Human Rights with all United Nations reports issued between sessions of the Commission that deal with the conditions in which the citizens of the Palestinian and other occupied Arab territories are living under the Israeli occupation;

10. Decides to consider the question at its fifty-fourth session, as a matter of high priority.

26th meeting
26 March 1997
[Adopted by a roll-call vote of 25 votes to 1,
with 23 abstentions. See chap. IV.]

1997/2. Human rights in the occupied Syrian Golan

The Commission on Human Rights,

Deeply concerned at the suffering of the Syrian citizens in the occupied Syrian Golan due to the violation of their fundamental and human rights since the Israeli military occupation of 1967,

Recalling Security Council resolution 497 (1981) of 17 December 1981,

Recalling also all relevant General Assembly resolutions, including the latest, resolution 51/135 of 13 December 1996, in which the Assembly, inter alia, called upon Israel to comply with Security Council resolution 497 (1981), to put an end to its practices violating the rights of the Syrian citizens in the occupied Syrian Golan and to put an end to its occupation of the occupied Syrian Golan,

Reaffirming once more the illegality of Israel's decision of 14 December 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Golan, which has resulted in the effective annexation of that territory,

Reaffirming the principle of non-acquisition of territory by force in accordance with the Charter of the United Nations and the principles of international law, *Taking note with deep concern* of the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories (A/51/99/Add.2) and, in this connection, deploring the Israeli settlement in the occupied Arab territories and regretting Israeli's constant refusal to cooperate with and to receive the Special Committee,

Guided by the relevant provisions of the Charter of the United Nations, international law and the Universal Declaration of Human Rights, and reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the relevant provisions of the Hague Conventions of 1899 and 1907 to the occupied Syrian Golan,

Reaffirming the importance of the peace process which started in Madrid on the basis of Security Council resolutions 242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973 and 425 (1978) of 19 March 1978 and the principle of land for peace, which aims at the establishment of a just and comprehensive peace in the Middle East,

Expressing concern that the peace process on the Syrian and Lebanese tracks has stumbled, and hoping that commitments and guarantees reached during the previous talks will be respected in order that the talks may resume as soon as possible,

Reaffirming its previous relevant resolutions, the most recent being resolution 1996/2 of 11 April 1996,

1. *Calls upon* Israel, the occupying Power, to comply with the relevant resolutions of the General Assembly and of the Security Council, particularly resolution 497 (1981), in which the Council, *inter alia*, decided that the Israeli decision to impose its laws, jurisdiction and administration on the occupied Syrian Golan is null and void and without international legal effect, and demanded that Israel should rescind forthwith its decision;

2. *Also calls upon* Israel to desist from changing the physical character, demographic composition, institutional structure and legal status of the occupied Syrian Golan, and emphasizes that the displaced persons of the population of the occupied Syrian Golan must be allowed to return to their homes and to recover their properties;

3. *Further calls upon* Israel to desist from imposing Israeli citizenship and Israeli identity cards on the Syrian citizens in the occupied Syrian Golan and to desist from its repressive measures against them, and from all other practices mentioned in the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories;

4. *Determines* that all legislative and administrative measures and actions taken or to be taken by Israel, the occupying Power, that purport to alter the character and legal status of the occupied Syrian Golan are null and

void, constitute a flagrant violation of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and have no legal effect;

5. *Calls once again upon* Member States not to recognize any of the legislative or administrative measures and actions referred to in the present resolution;

6. *Requests* the Secretary-General to bring the present resolution to the attention of all Governments, the competent United Nations organs, the specialized agencies, regional intergovernmental organizations and international humanitarian organizations and to give it the widest possible publicity, and to report to the Commission on Human Rights at its fifty-fourth session;

7. *Decides* to include in the provisional agenda of its fifty-fourth session, as a matter of high priority, the item entitled "Question of the violation of human rights in the occupied Arab territories, including Palestine".

26th meeting
26 March 1997
[Adopted by a roll-call vote of 26 votes to 1,
with 23 abstentions. See chap. IV.]

1997/3. Israeli settlements in the occupied Arab territories

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable instruments,

Mindful that Israel is a party to the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, which is applicable to Palestinian and all Arab territories occupied by Israel since 1967, including East Jerusalem,

Recalling its previous resolutions, most recently resolution 1996/4 of 11 April 1996, in which, *inter alia*, it reaffirmed the illegality of the Israeli settlements in the occupied territories,

1. *Welcomes*

(a) The positive developments that originated with the International Peace Conference on the Middle East convened in Madrid on 30 October 1991, including in particular the Declaration of Principles on Interim Self-Government Arrangements signed in Washington by the Government of Israel and the Palestine Liberation Organization on 13 September 1993 as well as the Interim Agreement on the West Bank and the Gaza Strip signed in Washington by the same parties on 28 September 1995;

(b) The recent step towards the further implementation of the relevant agreements, through the signing of the Protocol concerning the Redeployment in Hebron;

(c) The report (E/CN.4/1997/16) submitted by the Special Rapporteur pursuant to Commission resolution 1993/2 A of 19 February 1993;

2. Expresses its deep concern

(a) At the Israeli settlement activities, including the expansion of settlements, the installation of settlers in the occupied territories, the expropriation of land, the demolition of houses, the confiscation of property, the expulsion of local residents and the construction of bypass roads, which change the physical character and demographic composition of the occupied territories, including East Jerusalem, since they are illegal, constitute a violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and are a major obstacle to peace;

(b) At and strongly condemns all acts of terrorism, whilst calling upon all parties not to allow any acts of terrorism to affect the ongoing peace process negatively;

3. Calls upon the Government of Israel

(a) To comply fully with the provisions of previous Commission resolutions on the subject, most recently resolution 1996/4 of 11 April 1996;

(b) To cease completely its policy of expanding the settlements and related activities in the occupied territories, including East Jerusalem;

(c) To forgo and prevent any new installation of settlers in the occupied territories;

(d) To address the question of the Israeli settlements in the occupied territories during the negotiations on the final status of the territories, which are due to resume within two months after implementation of the Protocol concerning the Redeployment in Hebron.

26th meeting
26 March 1997
[Adopted by a roll-call vote of 47 votes to 1,
with 2 abstentions. See chap. IV.]

1997/4. Situation in occupied Palestine

The Commission on Human Rights,

Guided by the purposes and principles of the Charter of the United Nations, in particular the provisions of Articles 1 and 55 thereof, which affirm the right of peoples to self-determination, and scrupulous respect of the principle of refraining in international relations from the threat or use of force, as specified in the Declaration on Principles of

International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, adopted by the General Assembly in its resolution 2625 (XXV) of 24 October 1970,

Guided also by the provisions of article 1 of the International Covenant on Economic, Social and Cultural Rights and article 1 of the International Covenant on Civil and Political Rights, which affirm that all peoples have the right to self-determination,

Taking into consideration the provisions of the Declaration on the Granting of Independence to Colonial Countries and Peoples, adopted by the General Assembly in its resolution 1514 (XV) of 14 December 1960,

Guided by the provisions of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in June 1993 (A/CONF.157/23), and in particular Part I, paragraphs 2 and 3, relating to the right to self-determination of all peoples and especially those subject to foreign occupation,

Recalling Security Council resolutions 183 (1963) of 11 December 1963 and 218 (1965) of 23 November 1965, which affirmed the interpretation of the principle of self-determination as laid down in General Assembly resolution 1514 (XV),

Recalling also General Assembly resolutions 181 A and B (II) of 29 November 1947 and 194 (III) of 11 December 1948, as well as all other resolutions which confirm and define the inalienable rights of the Palestinian people, particularly their right to self-determination without external interference and to the establishment of their independent State on their national soil, especially Assembly resolutions ES-7/2 of 29 July 1980 and 37/86 E of 20 December 1982,

Reaffirming its previous resolutions in this regard, including the latest, resolution 1996/5 of 11 April 1996,

Bearing in mind the reports and recommendations of the Committee on the Exercise of the Inalienable Rights of the Palestinian People submitted to the Security Council and the General Assembly,

Reaffirming the right of the Palestinian people to self-determination in accordance with the Charter of the United Nations, the relevant United Nations resolutions and declarations, and the provisions of international covenants and instruments relating to the right to self-determination as an international principle and as a right of all peoples in the world, as it is a *jus cogens* in international law,

Recalling that the foreign occupation by the armed forces of a State of the territory of another State constitutes an obstacle to and a grave violation of human rights according to Part I, paragraph 30, of the Vienna Declaration and Programme of Action, and an act of aggression and a crime against the peace and security of mankind according to General Assembly resolution 3314 (XXIX) of 14 December 1974, *Welcoming* the Declaration of Principles on Interim Self-Government Arrangements signed by the Government of Israel and the Palestine Liberation Organization in Washington on 13 September 1993, and the following agreements aimed at enabling the Palestinian people to achieve their national rights and, principally, their right to self-determination free of external intervention,

1. *Reaffirms* the inalienable right of the Palestinian people to self-determination without external interference;

2. *Calls upon* Israel to comply with its obligations under the Charter of the United Nations and the principles of international law, and to withdraw from the Palestinian territories, including Jerusalem, and the other Arab territories which it has occupied since 1967 by military force, in accordance with the relevant United Nations resolutions, so as to enable the Palestinian people to exercise their universally recognized right to self-determination;

3. *Requests* the Secretary-General to transmit the present resolution to the Government of Israel and all other Governments, to distribute it on the widest possible scale and to make available to the Commission on Human Rights, prior to the convening of its fifty-fourth session, all information pertaining to the implementation of the present resolution by the Government of Israel;

4. *Decides* to include in the provisional agenda of its fifty-fourth session the item entitled "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation" and to consider the situation in occupied Palestine under that item, as a matter of high priority.

26th meeting
26 March 1997
[Adopted by a roll-call vote of 28 votes to 1,
with 21 abstentions. See chap. VII.]

1997/5. *Question of Western Sahara*

The Commission on Human Rights,

Having considered the question of Western Sahara,

Reaffirming the inalienable right of all peoples to self-determination and independence, in accordance with the principles set forth in the Charter of the United Nations and in General Assembly resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Recalling its earlier resolutions, the latest of which is resolution 1996/6 of 11 April 1996,

Recalling also the agreement in principle given on 30 August 1988 by the Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro to the proposals of the Secretary-General of the United Nations and the then Chairman of the Assembly of Heads of State and Government of the Organization of African Unity, in the framework of their joint mission of good offices,

Recalling further Security Council resolutions 658 (1990) of 27 June 1990 and 690 (1991) of 29 April 1991, by which the Council approved the settlement plan for Western Sahara,

Recalling all the Security Council resolutions relating to the question of Western Sahara, in particular resolutions 621 (1988) of 20 September 1988, 725 (1991) of 31 December 1991, 809 (1993) of 2 March 1993, 907 (1994) of 29 March 1994, 973 (1995) of 13 January 1995, 995 (1995) of 26 May 1995, 1002 (1995) of 30 June 1995, 1017 (1995) of 22 September 1995, 1033 (1995) of 19 December 1995 and 1042 (1996) of 31 January 1996, as well as all the General Assembly resolutions relating to the question of Western Sahara,

Recalling with satisfaction the entry into force of the ceasefire in Western Sahara on 6 September 1991, in accordance with the proposal of the Secretary-General, and stressing the importance it attaches to the maintenance of the ceasefire as an integral part of the settlement plan,

Reaffirming the responsibility of the United Nations towards the people of Western Sahara, as provided for in the settlement plan,

Taking note of Security Council resolution 1056 (1996) of 29 May 1996, by which the Council decided to suspend the work of the Identification Commission and supported the proposal of the Secretary-General to reduce the strength of the military component of the United Nations Mission for the Referendum in Western Sahara, owing to the absence of progress in the implementation of the settlement plan,

Seriously concerned about the risks that this impasse poses for the implementation process of the settlement plan for the holding of a free, fair and impartial referendum for self-determination of the people of Western Sahara and for the peace and stability of the region,

Stressing the importance and usefulness of direct talks between the Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro in order to create the atmosphere of mutual confidence necessary for overcoming the obstacles to the implementation of the settlement plan,

Recalling that the General Assembly has examined the relevant chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (A/51/23 (Part V), chap. IX),

Having also examined the report of the Secretary-General (A/51/428),

1. *Takes note* of the report of the Secretary-General;

2. Reiterates its support for further efforts of the Secretary-General for the organization and supervision by the United Nations, in cooperation with the Organization of African Unity, of a referendum for self-determination of the people of Western Sahara, in conformity with Security Council resolutions 658 (1990) and 690 (1991), by which the Council adopted the settlement plan for Western Sahara;

3. Reaffirms that the goal on which all were agreed consists of the holding of a free, fair and impartial referendum for the people of Western Sahara, organized and conducted by the United Nations, in cooperation with the Organization of African Unity and without any military or administrative constraints, in conformity with the settlement plan;

4. Expresses its serious concern about the persistent obstacles to the implementation of the settlement plan;

5. Notes that the General Assembly has taken note of Security Council resolution 1056 (1996), by which the Council decided to suspend the identification process and supported the proposal of the Secretary-General to reduce the strength of the military component of the United Nations Mission for the Referendum in Western Sahara, owing to the absence of progress in the implementation of the settlement plan;

6. Reaffirms the responsibility of the United Nations towards the people of Western Sahara, as provided for in the settlement plan, and in this regard fully subscribes to the commitment of the Security Council and the Secretary-General concerning the fulfilment of their respective mandates, consisting of the holding of a free, fair and impartial referendum for self-determination of the people of Western Sahara;

7. Declares its conviction of the importance and usefulness of direct contacts between the two parties, with a view to overcoming their differences and creating propitious conditions for the speedy and effective implementation of the settlement plan, and encourages in this regard the Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro to start direct talks as soon as possible;

8. Notes that the General Assembly has requested the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue to consider the situation in Western Sahara, bearing in mind the ongoing referendum process, and to report thereon to the Assembly at its fifty-second session;

9. Decides to follow the development of the situation in Western Sahara and to consider the question at its fifty-fourth session, as a matter of high priority, under the agenda item entitled "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation".

26th meeting
26 March 1997
[Adopted without a vote. See chap. VII.]

1997/6. Middle East peace process

The Commission on Human Rights,

Recalling its resolution 1996/7 of 11 April 1996,

Recalling also the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights (A/CONF.157/23),

Recalling further the convening of the International Peace Conference on the Middle East in Madrid on 30 October 1991, on the basis of Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973, and the subsequent bilateral negotiations, as well as the meetings of the multilateral working groups, and noting with satisfaction the broad international support for the peace process,

Noting the continuing positive participation of the United Nations as an extraregional participant in the work of the multilateral working groups,

Recalling the Declaration on Measures to Eliminate International Terrorism annexed to General Assembly resolution 49/60 of 9 December 1994, in which the Assembly declared that acts, methods and practices of terrorism constituted a grave violation of the purposes and principles of the United Nations, and might pose a threat to international peace and security, jeopardize friendly relations among States, hinder international cooperation and aim at the destruction of human rights, fundamental freedoms and the democratic bodies of society,

1. Stresses the importance of, and the need for, achieving a comprehensive, just and lasting peace in the Middle East;

2. Emphasizes that the achievement of such a peace is vital to the full implementation of human rights in all areas;

3. Welcomes the peace process started in Madrid and supports the subsequent bilateral negotiations;

4. Also welcomes the Protocol concerning the Redeployment in Hebron of 17 January 1997 signed by the Government of Israel and the Palestine Liberation Organization, and the subsequent redeployment of Israeli troops from parts of Hebron;

5. Further welcomes the release of female Palestinian prisoners from Israeli detention as a confidence-building measure;

6. Calls upon all parties to protect the human rights and well-being of all detained persons under their control;

7. Supports the declaration adopted at the Summit of Peacemakers held at Sharm El Sheik, Egypt, on 13 March 1996, which had as its objectives enhancing the peace process, promoting security and combating terrorism, and condemns terrorist attacks in the Middle East which seek to undermine the peace process and which have caused loss of life and injuries;

8. *Calls upon* all parties to work to advance a free civil society, under the rule of law;

9. *Calls upon* the Centre for Human Rights to continue to make available, on request, its programme of advisory services and technical assistance to the Palestinian Authority, and invites Governments to continue to contribute to the programme;

10. *Expresses its full support* for the achievements of the peace process thus far, in particular the Declaration of Principles on Interim Self-Government Arrangements, signed on 13 September 1993 by the Government of Israel and the Palestine Liberation Organization, the representative of the Palestinian people, the subsequent Agreement on the Gaza Strip and the Jericho Area, signed on 4 May 1994 by the Government of Israel and the Palestine Liberation Organization, their 29 August 1994 Agreement on the Preparatory Transfer of Powers and Responsibilities, the Interim Agreement on the West Bank and the Gaza Strip, of 28 September 1995, the Protocol concerning the Redeployment in Hebron signed on 17 January 1997, the Agreement between Israel and Jordan on the Common Agenda, of 14 September 1993, the Washington Declaration, signed by Jordan and Israel on 25 July 1994, and the Jordan-Israel Treaty of Peace of 26 October 1994, which constitute important steps in achieving a comprehensive, just and lasting peace in the Middle East, and urges all parties to implement the agreements reached;

11. *Encourages* the continuation of negotiations on the implementation of the next stage of the Declaration of Principles on Interim Self-Government Arrangements.

26th meeting
26 March 1997
[Adopted without a vote. See chap. VII.]

1997/7. *Human rights and unilateral coercive measures*

The Commission on Human Rights,

Recalling the purposes and principles of the Charter of the United Nations,

Reaffirming the pertinent principles and provisions contained in the Charter of Economic Rights and Duties of States proclaimed by the General Assembly in its resolution 3281 (XXIX) of 12 December 1974, in particular article 32 which declares that no State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights,

Recognizing the universal, indivisible, interdependent and interrelated character of all human rights and, in this regard, reaffirming the right to development as an integral part of all human rights, Recalling that the World Conference on Human Rights called upon States to refrain from any unilateral measure not in accordance with international law and the Charter of the United Nations that creates obstacles to trade relations among States and impedes the full realization of all human rights,

Deeply concerned that, despite the recommendations adopted on this issue by the General Assembly and recent major United Nations conferences and contrary to general international law and the Charter of the United Nations, unilateral coercive measures continue to be promulgated and implemented with all their negative implications for the socio-humanitarian activities of developing countries, including their extraterritorial effects, thereby creating additional obstacles to the full enjoyment of all human rights by peoples and individuals,

1. Calls once again upon all States to refrain from adopting or implementing unilateral measures not in accordance with international law and the Charter of the United Nations, in particular those of a coercive nature with extraterritorial effects, which create obstacles to trade relations among States, thus impeding the full realization of the rights set forth in the Universal Declaration of Human Rights and other international human rights instruments, in particular the right of individuals and peoples to development;

2. Rejects the application of such measures as tools for political or economic pressure against any country, particularly against developing countries, because of their negative effects on the realization of all the human rights of vast sectors of their populations, inter alia children, women and the elderly;

3. Reaffirms, in this context, the right of all peoples to self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development;

4. Also reaffirms that essential goods such as food and medicines should not be used as tools for political coercion, and that in no case may a people be deprived of its own means of subsistence;

5. Endorses and reaffirms the criteria of the Working Group on the Right to Development according to which unilateral coercive measures are one of the obstacles to the implementation of the Declaration on the Right to Development;

6. Urges once again the working group on the implementation and promotion of the right to development to give due consideration to the negative impact of unilateral coercive measures in its task concerning the implementation of the right to development;

7. Requests the United Nations High Commissioner for Human Rights, in discharging his functions relating to the promotion, realization and protection of the right to development, to pay due attention and give urgent consideration to the present resolution;

8. *Decides* to examine this question, on a priority basis, at its fifty-fourth session under the same agenda item.

36th meeting
3 April 1997
[Adopted by a roll-call vote of 37 votes to 8,
with 7 abstentions. See chap. V.]

1997/8. *The right to food*

The Commission on Human Rights,

Recalling the Universal Declaration of Human Rights, which states that everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food,

Recalling also the Universal Declaration on the Eradication of Hunger and Malnutrition,

Taking into account the provisions of the International Covenant on Economic, Social and Cultural Rights in which the fundamental right of every person to be free from hunger is recognized,

Considering the Rome Declaration on World Food Security and the Plan of Action of the World Food Summit held in Rome from 13 to 17 November 1996,

Recognizing that the problems of hunger and food insecurity have global dimensions and that they are likely to persist and even to increase dramatically in some regions, unless urgent, determined and concerted action is taken, given the anticipated increase in the world's population and the stress on natural resources,

Reaffirming that a peaceful, stable and enabling political, social and economic environment is the essential foundation which will enable States to give adequate priority to food security and poverty eradication,

Reiterating, as did the Rome Declaration, that food should not be used as an instrument of political and economic pressure, and reaffirming in this regard the importance of international cooperation and solidarity as well as the necessity of refraining from unilateral measures not in accordance with international law and the Charter of the United Nations and that endanger food security,

Convinced that each State must adopt a strategy consistent with its resources and capacities to achieve its individual goals in implementing the recommendations contained in the Rome Declaration and Plan of Action and, at the same time, cooperate regionally and internationally in order to organize collective solutions to global issues of food security in a world of increasingly interlinked institutions, societies and economies, where coordinated efforts and shared responsibilities are essential,

1. *Reaffirms* that hunger constitutes an outrage and a violation of human dignity and, therefore, requires the adoption of urgent measures at the national, regional and international level for its elimination;

2. *Also reaffirms* the right of everyone to have access to safe and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger so as to be able fully to develop and maintain their physical and mental capacities;

3. *Considers* intolerable that more than 800 million people throughout the world, and particularly in developing countries, do not have enough food to meet their basic nutritional needs, which infringes their fundamental human rights;

4. *Stresses* the need to make efforts to mobilize and optimize the allocation and utilization of technical and financial resources, from all sources, including external debt relief for developing countries, to reinforce national actions to implement sustainable food security policies;

5. *Encourages* the Committee on Economic, Social and Cultural Rights to pay further attention in its activities to those rights recognized in article 11 of the International Covenant on Economic, Social and Cultural Rights;

6. *Endorses* the request made in the World Food Summit Plan of Action to the United Nations High Commissioner for Human Rights, in consultation with relevant treaty bodies, and in collaboration with relevant specialized agencies and programmes of the United Nations system and appropriate intergovernmental mechanisms, as well as non-governmental organizations, to define better the rights related to food in article 11 of the International Covenant on Economic, Social and Cultural Rights, and to propose ways to implement and realize those rights as a means of achieving the commitments and objectives of the World Food Summit, taking into account the possibility of formulating voluntary guidelines for food security for all;

7. *Invites* the High Commissioner for Human Rights to report on the implementation of the present resolution to the Commission on Human Rights at its fifty-fourth session.

36th meeting
3 April 1997
[Adopted without a vote. See chap. V.]

1997/9. Adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and the Vienna Declaration and Programme of Action, particularly on the question of the human rights to life and to good health, Recalling its resolutions 1989/42 of 6 March 1989, 1990/43 of 6 March 1990, 1991/47 of 5 March 1991, 1993/90 of 10 March 1993, 1995/81 of 8 March 1995 and 1996/14 of 11 April 1996,

Recalling also General Assembly resolutions 42/183 of 11 December 1987, 43/212 of 20 December 1988, 44/226 of 22 December 1989, 45/13 of 7 November 1990 and 46/126 of 17 December 1991 and Economic and Social Council decision 1995/288 of 25 July 1995,

Recalling further resolution 1153 (XLVIII) of 25 May 1988 of the Council of Ministers of the Organization of African Unity declaring that the dumping of toxic wastes in the continent was a crime against Africa and the African people,

Affirming that the illicit movement and dumping of toxic and dangerous substances and wastes constitute a serious threat to the human rights to life and health of individuals, particularly in developing countries that do not have the technologies to process them,

Reaffirming that the international community must treat all human rights in a fair and equal manner, on the same footing and with the same emphasis,

Reaffirming also General Assembly resolution 50/174 of 22 December 1995 on strengthening of United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity,

Mindful of the call by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, on all States to adopt and vigorously implement existing conventions relating to the dumping of toxic and dangerous products and wastes and to cooperate in the prevention of illicit dumping,

Aware of the increasing rate of dumping in African and other developing countries by transnational corporations and other enterprises from industrialized countries of hazardous and other wastes that constitute a serious threat to the human rights to life and health of everyone, and which they cannot dispose of within their territories of operation,

Aware also that many developing countries do not have the national capacities and technologies to process such wastes in order to eradicate or diminish their adverse effects on the human rights to life and health,

Having examined the progress report submitted by the Special Rapporteur (E/CN.4/1997/19),

1. Takes note of the progress report of the Special Rapporteur and, in particular, her conclusions and recommendations, and regrets that she encountered serious obstacles in the discharge of her mandate, in particular the lack of adequate human and financial resources;

2. Notes with grave concern that adequate staff and financial resources were not made available to the Special Rapporteur to enable her to discharge her mandate effectively, including undertaking in situ missions;

3. *Categorically condemns* the increasing rate of dumping of toxic and dangerous products and wastes in developing countries, which adversely affects the human rights to life and health of individuals in those countries;

4. *Reaffirms* that illicit traffic and dumping of toxic and dangerous products and wastes constitute a serious threat to the human rights to life and health of every individual;

5. *Urges* all Governments to take legislative and other appropriate measures with a view to preventing illegal international trafficking in toxic and hazardous products and wastes;

6. *Invites* the United Nations Environment Programme, the secretariat for the Basel Convention, the International Register of Potentially Toxic Chemicals, the Food and Agriculture Organization of the United Nations, the International Labour Organization, the World Health Organization, the International Atomic Energy Agency and the Organization of African Unity and other regional organizations to intensify their cooperation and assistance on environmentally sound management of toxic chemicals and hazardous wastes, including the question of their transboundary movement;

7. *Expresses its appreciation* to the relevant United Nations agencies, in particular the United Nations Environment Programme and the secretariat for the Basel Convention for the support extended to the Special Rapporteur and urges them and the international community to continue to give her the necessary support to enable her to discharge her mandate;

8. *Urges* the international community and the relevant United Nations bodies, in particular the United Nations Environment Programme and the secretariat for the Basel Convention, to give appropriate support to the developing countries, upon their request, in their efforts to implement the provisions of existing international and regional instruments controlling the transboundary movement and dumping of toxic and dangerous products and wastes in order to protect and promote the human rights to life and good health of all;

9. *Requests* the Special Rapporteur, in preparing her next report, to continue to consult all relevant bodies, in particular the secretariat for the Basel Convention, and urges all Governments, United Nations bodies, specialized agencies, the United Nations Environment Programme, the secretariat for the Basel Convention and non-governmental organizations to continue to cooperate fully with the Special Rapporteur by providing information on the movement and dumping of toxic and dangerous products and wastes;

10. *Also requests* the Special Rapporteur to continue to undertake, within her mandate, a global, multidisciplinary and comprehensive study of existing problems of and solutions to illicit traffic in, transfer and dumping of toxic and dangerous products and wastes in African and other developing countries, with a view to making recommendations and proposals, in her next report, on adequate measures to control, reduce and eradicate these phenomena;

11. Reiterates its request to the Special Rapporteur, in accordance with her mandate, to include in her next report to the Commission information on countries and enterprises, including transnational corporations, engaged in the illicit movement and dumping of toxic and dangerous products and wastes in African and other developing countries;

12. Requests the Special Rapporteur, in accordance with her mandate, to include in her next report to the Commission comprehensive information on persons killed, maimed or otherwise injured in the developing countries through this heinous act;

13. Encourages the Special Rapporteur, with adequate support and assistance from the Centre for Human Rights, to provide Governments with an appropriate opportunity to respond to allegations transmitted to her and reflected in her report;

14. Reaffirms its request to the Secretary-General to continue to provide the Special Rapporteur with all necessary financial and human resources, including administrative support in the Centre for Human Rights, for the fulfilment of her mandate;

15. Decides to continue consideration of the question of the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights at its fifty-fourth session under the agenda item entitled: "Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights".

16th meeting
3 April 1997
[Adopted by a roll-call vote of 32 votes to 12,
with 8 abstentions. See chap. V.]

1997/10. Effects on the full enjoyment of human rights of the economic adjustment policies arising from foreign debt and, in particular, on the implementation of the Declaration on the Right to Development

The Commission on Human Rights,

Recalling that the purpose of the Universal Declaration of Human Rights is the full promotion and protection of human rights and fundamental freedoms,

Bearing in mind that one of the purposes of the United Nations is to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character, *Reaffirming* the Declaration on the Right to Development, adopted by the General Assembly in its resolution 41/128 of 4 December 1986, and the resolutions and decisions adopted by the United Nations in connection with the problem of the foreign debt of the developing countries,

Bearing in mind that the absolute amounts attained by the foreign debt and debt service of the developing nations indicate the persistent seriousness of this situation, and that despite the improvement in some indicators, the foreign debt burden continues to be intolerable for a considerable number of developing countries,

Aware that the serious problem of the foreign debt burden remains one of the most critical factors adversely affecting economic, social, scientific and technical development and living standards in many developing countries, with serious effects of a social nature,

Recognizing the need to address the obstacles that impede the implementation of the Declaration on the Right to Development and the enjoyment of economic, social and cultural rights all over the world,

Noting with regret the negative effects on the enjoyment and realization of economic, social and cultural rights of the structural adjustment and reform policies conceived by the international financial organizations and bilateral creditors and imposed on the debtor countries to deal with the effects of the foreign debt, especially among the most vulnerable and low-income groups,

Stressing that the economic globalization process creates new risks and uncertainties,

Expressing its concern at the continuing decline in levels of official development assistance,

Considering that the measures for alleviating the debt problem, of both official and private origin, have not achieved an effective, equitable, development-oriented and durable solution to the outstanding debt and debt service of a large number of developing countries, especially the poorest and heavily-indebted countries,

Bearing in mind the relationship between the heavy foreign debt burden and the considerable increase in poverty which is apparent at the world level and is especially large in Africa,

Recognizing that the foreign debt constitutes one of the main obstacles preventing the developing countries from fully enjoying their right to development,

1. *Takes note* of the report submitted by the Secretary-General in accordance with Commission resolution 1996/12 of 11 April 1996 (E/CN.4/1997/17);

2. Stresses the importance of continuing to implement immediate, effective and durable actions for alleviating the debt and debt-service burdens of developing countries with debt problems in the framework of the realization of economic, social and cultural rights;

3. Affirms that the permanent solution to the foreign debt problem lies in the establishment of a just and equitable international economic order which guarantees the developing countries, inter alia, better market access, stabilization of exchange rates and interest rates, access to financial and capital markets, adequate flows of financial resources and better access to the technology of the developed countries;

4. Stresses the need for the economic programmes arising from the foreign debt to take account of the specific characteristics, conditions and needs of the debtor countries, and the need to incorporate the social dimension of development;

5. Affirms that the exercise of the basic rights of the people of the debtor countries to food, housing, clothing, employment, education, health service and a healthy environment cannot be subordinated to the implementation of structural adjustment policies and economic reforms arising from the debt;

6. Emphasizes the important need for the recent initiatives on the foreign debt, in particular the Debt Initiative for the heavily indebted poor countries and the decision of the Paris Club to go beyond the Naples terms, to be implemented completely and flexibly, and at the same time notes with concern the rigidity of the eligibility criteria approved by the international creditor community in the context of these initiatives;

7. Emphasizes the need for new flows of financial resources to the indebted developing countries, and urges the creditor countries and the international financial institutions to increase financial assistance on favourable terms as a means of supporting the implementation of the economic reforms, combating poverty, and achieving sustained economic growth and sustainable development;

8. Requests the working group on the implementation and promotion of the right to development to continue to pay special attention in its work to the social repercussions of the foreign debt and, in particular, to the repercussions of the policies adopted to face the effects of foreign debt on the realization of economic, social and cultural rights, and to make recommendations in this regard;

9. Recognizes that there is a need for more transparency in the activities of international financial institutions;

10. Considers that, in order to find a durable solution to the debt problem, there is a need for a political dialogue between creditor and debtor countries within the United Nations system, based on the principle of shared interests and responsibilities;

11. Requests the Secretary-General to submit to the Commission, at its fifty-fourth session, after high-level consultations with Governments,

international financial institutions and specialized agencies, and with intergovernmental organizations, a report on the international debt strategy containing an analysis of the effects of this phenomenon on the effective enjoyment of human rights of the people of the developing countries, and in particular of the most vulnerable and low-income groups;

12. Requests the United Nations High Commissioner for Human Rights to pay particular attention to the problem of the debt burden of developing countries, and especially the social impact of the measures arising from the foreign debt;

13. Requests that, taking advantage of the current restructuring of the Centre for Human Rights, a unit be established for the promotion of economic, social and cultural rights, and in particular the implementation of the right to development, bearing in mind the aspects relating to the debt burden of the developing countries;

14. Decides to continue to consider this matter at its fifty-fourth session in connection with the corresponding agenda item.

36th meeting
3 April 1997
[Adopted by a roll-call vote of 34 votes to 15, with 3 abstentions. See chap. V.]

1997/11. Human rights and extreme poverty

The Commission on Human Rights,

Recalling that, in accordance with the Universal Declaration of Human Rights, the International Covenants on Human Rights recognize that the ideal of free human beings enjoying freedom from fear and want can be achieved only if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights,

Recalling also that the eradication of widespread poverty, including its most persistent forms, and the full enjoyment of economic, social and cultural rights and civil and political rights remain interrelated goals,

Deeply concerned by the fact that extreme poverty continues to spread throughout the countries of the world, regardless of their economic, social or cultural situation, and gravely affects the most vulnerable and disadvantaged individuals, families and groups, who are thus hindered in the exercise of their human rights and their fundamental freedoms,

Noting the provisions of the Convention on the Rights of the Child, which recognizes that there are in all countries in the world children living in especially difficult conditions and that special attention should be paid to such children, *Welcoming* the relevant provisions of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights (A/CONF.157/23),

Recalling its resolution 1990/15 of 23 February 1990, in which it requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities to carry out a specific study of extreme poverty and social exclusion, and its other relevant resolutions, in particular resolution 1996/10 of 11 April 1996, as well as Sub-Commission resolution 1996/23 of 29 August 1996,

Recalling also General Assembly resolutions 50/107 of 20 December 1995 and 51/97 of 12 December 1996,

Stressing that, in the Copenhagen Declaration on Social Development and the Programme of Action of the World Summit for Social Development, Governments committed themselves to eradicating poverty throughout the world through national action and international cooperation, taking account of the fact that this is an ethical, social, political and economic imperative of humankind,

Welcoming the activities undertaken for the International Year for the Eradication of Poverty,

Noting that the majority of persons living in poverty are women, children or the elderly and that women bear a disproportionate burden,

Noting also with interest the Microcredit Summit held in Washington (D.C.) in February 1997, which focused on the importance of encouraging national initiatives for social development including, *inter alia*, access to credit for people living in poverty, particularly women, through employment and income-generation to address the feminization of poverty,

Having examined the final report on human rights and extreme poverty (E/CN.4/Sub.2/1996/13) presented at the forty-eighth session of the Sub-Commission by the Special Rapporteur, Mr. Leandro Despouy,

1. *Reaffirms* that:

(a) extreme poverty and exclusion from society constitute a violation of human dignity and that urgent national and international action is therefore required to eliminate them;

(b) in accordance with the Vienna Declaration and Programme of Action, it is essential for States to foster participation by the poorest people in the decision-making process in their communities, in the promotion of human rights and in efforts to combat extreme poverty;

2. *Recalls* that:

(a) to ensure the protection of the rights of all individuals, non-discrimination towards the poorest and the full exercise of all human rights and fundamental freedoms, a better understanding is needed of what is endured by people living in poverty, including women and children, and thought must be given to the subject, drawing on the experience and ideas of the poorest themselves and of those committed to working alongside them;

(b) in the Copenhagen Declaration on Social Development, Governments also undertook to endeavour to ensure that all men and women, especially those living in poverty, may exercise the rights, utilize the resources and share the responsibilities that will enable them to lead satisfying lives and to contribute to the well-being of their families, their communities and humankind, and recalls also the provisions of the Beijing Declaration and Platform for Action adopted by the Fourth World Conference on Women (A/CONF.177/20, chap. I);

3. *Expresses its satisfaction* to the Special Rapporteur for his final report on human rights and extreme poverty, prepared on the basis of consultations with persons living in extreme poverty and the persons and non-governmental organizations engaged in the field among very poor persons, families and population groups throughout the world;

4. *Calls upon*:

(a) the General Assembly, specialized agencies, United Nations bodies and intergovernmental organizations to consider the contradiction between the existence of situations of extreme poverty and exclusion from society, which must be overcome, and the duty to guarantee full enjoyment of human rights;

(b) States, the organs of the United Nations and intergovernmental and non-governmental organizations, in conformity with the Vienna and Copenhagen Declarations and Programmes of Action, to continue to take into account, in the activities to be undertaken within the framework of the United Nations Decade for the Eradication of Poverty, the links between extreme poverty and human rights, as well as the efforts of the poorest themselves to combat poverty and the importance of associating them with all stages of these activities;

5. *Invites* the treaty bodies monitoring the application of human rights instruments, notably the Committee on Economic, Social and Cultural Rights, the Human Rights Committee, the Committee on the Rights of the Child and the Committee on the Elimination of Discrimination against Women, to take into account, when considering the reports of States parties, the question of extreme poverty and human rights;

6. *Requests* the Secretary-General:

(a) to take the necessary measures to ensure that the final report of the Special Rapporteur on human rights and extreme poverty is published as a United Nations publication in all the official languages and that it receives the widest possible distribution, particularly within the framework of activities of the United Nations Decade for the Eradication of Poverty and the celebration of the fiftieth anniversary of the Universal Declaration of Human Rights;

(b) to place the report at the disposal of non-governmental organizations which desire to reproduce it in languages accessible to the greatest number of persons living in extreme poverty;

(c) to convey the final report of the Special Rapporteur to the General Assembly, the Economic and Social Council, the Commission for Social Development, the Commission on Sustainable Development, the Trade and Development Board of the United Nations Conference on Trade and Development, the Executive Boards of the United Nations Development Programme and the United Nations Children's Fund, and the Executive Committee of the United Nations High Commissioner for Refugees for consideration at their next sessions, as well as to any other body to which the Secretary-General considers it should be communicated;

7. Requests the United Nations High Commissioner for Human Rights to:

(a) Give high priority to the question of human rights and extreme poverty within United Nations human rights bodies;

(b) Ensure, within the framework of his role as coordinator of activities related to the promotion and defence of human rights within the United Nations system as a whole, better cooperation between institutions and bodies involved in the development of policies and strategies for protecting human rights and combating poverty, in association with the poorest and persons working with them;

(c) Invite Governments, specialized agencies and intergovernmental organizations to take account of the contradiction between the existence of situations of extreme poverty and exclusion from society, which must be overcome, and the duty to guarantee full enjoyment of human rights;

(d) Collaborate closely with all the organizations concerned, particularly the non-governmental organizations, as well as those working alongside the poorest;

(e) Regularly inform the General Assembly of the evolution of the question of human rights and extreme poverty, notably the steps taken to coordinate activities in this field, consultations undertaken with Governments and governmental and non-governmental organizations, obstacles encountered and progress achieved in promoting the full enjoyment of human rights among persons living in extreme poverty, as well as the most innovative activities implemented to this end;

(f) Submit to the Commission at its fifty-fourth session, in accordance with agreed conclusions 1996/1 of the Economic and Social Council, a report, to be prepared by the Centre for Human Rights and the Division for the Advancement of Women, on the obstacles encountered and progress achieved in the field of women's rights relating to economic resources, the elimination of poverty and economic development, in particular for women living in extreme poverty;

(g) Submit specific information on this question at events such as the evaluation of the World Conference on Human Rights planned for 1998, the special session of the General Assembly devoted to conclusions of the World Summit for Social Development, scheduled for 2000, and the evaluation, at the halfway point in 2002 and the end-point in 2007, of the first United Nations Decade for the Eradication of Poverty;

(h) Continue his discussions with the World Bank and report on the creation of microcredit programmes at the fifty-fourth session of the Commission;

8. Recommends the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B, draft decision 2.]

9. Decides to consider this question at its fifty-fourth session under the same agenda item.

36th meeting
3 April 1997
[Adopted without a vote. See chap. V.]

1997/12. Question of the death penalty

The Commission on Human Rights,

Recalling article 3 of the Universal Declaration of Human Rights, which affirms the right of everyone to life, article 6 of the International Covenant on Civil and Political Rights and articles 6 and 37 (a) of the Convention on the Rights of the Child,

Recalling General Assembly resolutions 2857 (XXVI) of 20 December 1971 and 32/61 of 8 December 1977 on capital punishment, as well as resolution 44/128 of 15 December 1989, in which the Assembly adopted and opened for signature, ratification and accession the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty,

Recalling also Economic and Social Council resolutions 1574 (L) of 20 May 1971, 1745 (LIV) of 16 May 1973, 1930 (LVIII) of 6 May 1975, 1984/50 of 25 May 1984, 1985/33 of 29 May 1985, 1989/64 of 24 May 1996, 1990/29 of 24 May 1990, 1990/51 of 24 July 1990 and 1996/15 of 23 July 1996,

Recalling further the report of the Secretary-General on capital punishment and implementation of the Safeguards guaranteeing protection of the rights of those facing the death penalty (E/CN.15/1996/19), which states that there has been a considerable shift towards the abolition of the death penalty,

Welcoming the exclusion of capital punishment from the penalties that the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda are authorized to impose, Welcoming the observation of the Human Rights Committee, in its General Comment No. 6 of 27 July 1982 on article 6 of the International Covenant on Civil and Political Rights, that the provisions contained in that article refer to abolition of the death penalty in terms which strongly suggest that abolition is desirable, and its affirmation that all measures of abolition should be considered as progress in the enjoyment of the right to life,

Deeply concerned that several countries impose the death penalty in disregard of the limitations provided for in the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child,

Concerned also that several countries, in imposing the death penalty, do not take into account the Safeguards guaranteeing protection of the rights of those facing the death penalty, set out in the annex to Economic and Social Council resolution 1984/50,

Convinced that abolition of the death penalty contributes to the enhancement of human dignity and to the progressive development of human rights,

1. Calls upon all States parties to the International Covenant on Civil and Political Rights that have not yet done so to consider acceding to or ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty;

2. Urges all States that still maintain the death penalty to comply fully with their obligations under the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child, notably not to impose the death penalty for any but the most serious crimes, not to impose it for crimes committed by persons below eighteen years of age, to exclude pregnant women from capital punishment and to ensure the right to seek pardon or commutation of sentence;

3. Calls upon all States that still maintain the death penalty to observe the Safeguards guaranteeing protection of the rights of those facing the death penalty, set out in the annex to Economic and Social Council resolution 1984/50;

4. Calls upon all States that have not yet abolished the death penalty progressively to restrict the number of offences for which the death penalty may be imposed;

5. Also calls upon all States that have not yet abolished the death penalty to consider suspending executions, with a view to completely abolishing the death penalty;

6. Requests the Secretary-General to submit to the Commission on Human Rights, in consultation with Governments, specialized agencies and intergovernmental and non-governmental organizations, a yearly supplement on changes in law and practice concerning the death penalty worldwide to his quinquennial report on capital punishment and implementation of the Safeguards guaranteeing protection of the rights of those facing the death penalty;

7. *Calls upon* States that still retain the death penalty to make available to the public information with regard to the imposition of the death penalty;

8. *Decides* to continue consideration of the matter at its fifty-fourth session under the same agenda item.

37th meeting
3 April 1997
[Adopted by a roll-call vote of 27 votes to 11, with 14 abstentions. See chap. XIV.]

1997/13. *Violence against women migrant workers*

The Commission on Human Rights,

Recalling all previous resolutions on violence against women migrant workers adopted by the General Assembly, the Commission on the Status of Women and the Commission on Human Rights, as well as the Declaration on the Elimination of Violence against Women,

Taking note of resolution 1996/12 of 23 August 1996 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities concerning, *inter alia*, women migrant workers,

Affirming the outcome of the World Conference on Human Rights, the International Conference on Population and Development, the World Summit for Social Development and the Fourth World Conference on Women, specifically as they pertain to women migrant workers,

Noting the large numbers of women from developing countries and from some countries with economies in transition who continue to venture forth to more affluent countries in search of a living for themselves and their families as a consequence of, *inter alia*, poverty, unemployment and other socio-economic conditions, and acknowledging the duty of sending States to work for conditions that provide employment and security to their citizens,

Concerned by the continuing reports of grave abuses and acts of violence committed against the persons of women migrant workers by some employers in some host countries,

Encouraged by some measures adopted by some receiving States to alleviate the plight of women migrant workers residing within their areas of jurisdiction,

Reiterating that acts of violence directed against women impair or nullify their enjoyment of their human rights and fundamental freedoms,

1. *Determines* to prevent and eliminate all forms of violence against women and girls;

2. *Encourages* States to enact or reinforce penal, civil, labour and administrative sanctions in domestic legislation to punish and redress the wrongs done to women and girls who are subjected to any form of violence, whether in the home, the workplace, the community or society;

3. *Also encourages* States to adopt and/or implement and periodically to review and analyse legislation to ensure its effectiveness in eliminating violence against women, emphasizing the prevention of violence and the prosecution of offenders, and to take measures to ensure the protection of women subjected to violence and that they have access to just and effective remedies, including compensation and indemnification and healing of victims, and for the rehabilitation of perpetrators;

4. *Invites* the States concerned, specifically the sending and receiving States, to consider adopting appropriate legal measures against intermediaries who deliberately encourage the clandestine movement of workers and who exploit women migrant workers;

5. *Reiterates* the need for States concerned, specifically the sending and receiving States of women migrant workers, to conduct regular consultations for the purpose of identifying problem areas in promoting and protecting the rights of women migrant workers and ensuring health, legal and social services for them, adopting specific measures to address these problems, setting up, as necessary, linguistically and culturally accessible services and mechanisms to implement these measures and, in general, creating conditions that foster greater harmony and tolerance between women migrant workers and the rest of the society in which they reside;

6. *Encourages* States to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, as well as the Slavery Convention of 1926;

7. *Requests* the United Nations High Commissioner for Human Rights, the Centre for Human Rights and the Special Rapporteur on violence against women, as well as all relevant bodies and programmes in the United Nations system, when addressing the issue of violence against women to give particular attention to the issue of violence perpetrated against women migrant workers;

8. *Expresses its appreciation* to the Government of the Philippines for hosting the expert group meeting on violence against women migrant workers in Manila from 27 to 31 May 1996;

9. *Invites* the regional commissions and the regional offices of the International Labour Organization to examine ways and means, within their mandates, of dealing with concerns pertaining to women migrant workers;

10. *Requests* the Secretary-General to submit a comprehensive report to the Commission on Human Rights at its fifty-fourth session on the

implementation of the present resolution, including information received from organs and bodies of the United Nations system, Member States, intergovernmental organizations and other concerned bodies;

11. *Decides* to continue to consider the question at its fifty-fourth session under the relevant agenda item.

37th meeting
3 April 1997
[Adopted without a vote. See chap. XI.]

1997/14. *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*

The Commission on Human Rights,

Reaffirming once more the permanent validity of the principles and standards embodied in the principal instruments regarding the international protection of human rights, in particular the Universal Declaration of Human Rights, the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child,

Bearing in mind the principles and standards established within the framework of the International Labour Organization and the importance of the task carried out in connection with migrant workers and their families in other specialized agencies and in various United Nations bodies,

Concerned at the situation of migrant workers and members of their families and at the marked increase in migratory movements that has occurred, especially in certain parts of the world,

Underlining the importance of the creation of conditions to foster greater harmony and tolerance between migrant workers and the rest of the society of the State in which they reside, with the aim of eliminating the growing manifestations of racism and xenophobia taking place in segments of many societies and perpetrated by individuals or groups against migrant workers,

Recalling General Assembly resolution 45/158 of 18 December 1990, by which the Assembly adopted and opened for signature, ratification and accession the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, contained in the annex to the resolution,

Considering that the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights (A/CONF.157/23) urges all States to guarantee the protection of all migrant workers and their families and invites them to consider the possibility of signing and ratifying the Convention at the earliest possible time,

1. *Expresses its deep concern* at the growing manifestations of racism, xenophobia and other forms of discrimination and inhuman and degrading treatment against migrant workers in different parts of the world;

2. *Urges* countries of destination to review and adopt, as appropriate, measures to prevent the excessive use of force and to ensure that their police forces and competent migration authorities comply with the basic standards relating to the decent treatment of migrant workers and their families, *inter alia* through the organization of training courses on human rights;

3. *Takes note* of the report of the Secretary-General on the status of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (E/CN.4/1997/65 and Corr.1), and welcomes the fact that some Member States have recently acceded to the Convention;

4. *Calls upon* all Member States to consider the possibility of signing and ratifying or acceding to the Convention as a matter of priority, and expresses the hope that this international instrument will enter into force at an early date;

5. *Requests* the Secretary-General to provide all facilities and assistance necessary for the active promotion of the Convention, through the World Public Information Campaign for Human Rights and the programme of advisory services in the field of human rights;

6. *Invites* organizations and agencies of the United Nations system, as well as intergovernmental and non-governmental organizations, to continue and intensify their efforts with a view to disseminating information on and promoting understanding of the Convention;

7. *Requests* the Secretary-General to submit to the Commission at its fifty-fourth session a report on the status of the Convention and on the efforts made by the Secretariat to promote the Convention and the protection of the rights of migrant workers;

8. *Decides* to include in the provisional agenda of its fifty-fourth session the item entitled "Measures to improve the situation and ensure the human rights and dignity of all migrant workers".

37th meeting
3 April 1997
[Adopted without a vote. See chap. XI.]

1997/15. *Migrants and human rights*

The Commission on Human Rights,

Considering that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour or national origin,

Affirming that every State party to the International Covenant on Civil and Political Rights must ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in that Covenant,

Reaffirming that every State party to the International Covenant on Economic, Social and Cultural Rights must undertake to guarantee that the rights enunciated in that Covenant will be exercised without discrimination of any kind, including as to national origin,

Deeply concerned at the increasing manifestations of racism, xenophobia and other forms of discrimination and inhuman and degrading treatment against migrants in different parts of the world,

Bearing in mind the situation of vulnerability in which migrants frequently find themselves, owing, among other things, to their absence from their State of origin and to the difficulties they encounter because of differences of language, customs and culture,

Considering that there is a need to make further efforts to improve the situation and ensure the human rights and dignity of migrants,

1. Acknowledges that the principles and standards embodied in the Universal Declaration of Human Rights apply to everyone, including migrants;

2. Requests States, in conformity with their respective constitutional systems, the Universal Declaration of Human Rights and the international instruments to which they are party, which may include the International Covenants on Human Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and other applicable international human rights instruments, effectively to promote and protect the human rights of all migrants;

3. Decides to establish, within the approved overall budget level for the current biennium, a working group consisting of five intergovernmental experts, appointed on the basis of equitable geographical representation after consultations with the regional groups, to meet for two periods of five working days prior to the fifty-fourth session of the Commission, with a mandate to:

(a) Gather all relevant information from Governments, non-governmental organizations and any other relevant sources on the obstacles existing to the effective and full protection of the human rights of migrants;

(b) Elaborate recommendations to strengthen the promotion, protection and implementation of the human rights of migrants;

4. Requests the working group of intergovernmental experts to submit a report to the Commission on Human Rights at its fifty-fourth session under the appropriate agenda item.

37th meeting
3 April 1997
[Adopted without a vote. See chap. XI.]

1997/16. Rights of persons belonging to national or ethnic, religious and linguistic minorities

The Commission on Human Rights,

Recalling General Assembly resolution 47/135 of 18 December 1992, as well as subsequent resolutions of the Assembly on the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities,

Considering that the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities contribute to political and social stability and peace and enrich the cultural heritage of society as a whole,

Concerned by the growing frequency and severity of disputes and conflicts concerning minorities in many countries, and their often tragic consequences, and that persons belonging to minorities are particularly vulnerable to displacement through, inter alia, population transfers, refugee flows and forced relocation,

Acknowledging that the United Nations has an increasingly important role to play regarding the protection of minorities by, inter alia, taking due account of and giving effect to the Declaration,

Recalling its resolution 1995/24 of 3 March 1995, in which the Commission, inter alia, decided to authorize the Sub-Commission on Prevention of Discrimination and Protection of Minorities to establish, initially for a three-year period, an inter-sessional working group consisting of five of its members, to meet each year for five working days in order to promote the rights of persons belonging to minorities,

Taking note of resolution 1996/17 of 29 August 1996 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, requesting, inter alia, the Working Group to continue to hold one session annually,

Taking note also of the invitation by the Sub-Commission to the Working Group to increase its cooperation with the United Nations High Commissioner for Human Rights,

1. Takes note of the report of the Secretary-General on the rights of persons belonging to national or ethnic, religious and linguistic minorities (E/CN.4/1997/82), as well as of the reports of the Working Group on Minorities on its first and second sessions (E/CN.4/Sub.2/1996/2 and E/CN.4/Sub.2/1996/28);

2. Reaffirms the obligation of States to ensure that persons belonging to minorities may exercise fully and effectively all human rights and fundamental freedoms without any discrimination and in full equality before the law in accordance with the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities;

3. Urges States and the international community to promote and protect the rights of persons belonging to national or ethnic, religious and linguistic minorities, as set out in the Declaration, including through the facilitation of their participation in all aspects of the political, economic, social, religious and cultural life of society and in the economic progress and development of the country;

4. Also urges States to take, as appropriate, all the necessary constitutional, legislative, administrative and other measures to promote and give effect to the Declaration;

5. Recognizes that respect for human rights and the promotion of understanding and tolerance by Governments, as well as between and among minorities, including through programmes of human rights education and public information, are central to the promotion and protection of the rights of persons belonging to minorities;

6. Calls upon the Secretary-General to make available, at the request of Governments concerned, qualified expertise on minority issues, including the prevention and resolution of disputes, to assist in existing or potential situations involving minorities;

7. Requests the United Nations High Commissioner for Human Rights to continue his efforts to improve the coordination and cooperation of United Nations programmes and agencies which deal with minority issues in activities related to the promotion and protection of the rights of persons belonging to minorities;

8. Calls upon the High Commissioner to promote, within his mandate, the implementation of the Declaration and to continue to engage in a dialogue with Governments concerned for that purpose;

9. Calls upon States to continue to include in their reports to human rights treaty bodies, in accordance with the relevant conventions, information on measures taken for the promotion and protection of the rights of persons belonging to minorities, and to consider ways to facilitate contributions from national or ethnic, religious and linguistic minorities in the preparation of national reports;

10. *Calls upon* all special representatives, special rapporteurs and working groups of the Commission to continue to give attention, within their respective mandates, to situations involving minorities;

11. *Commends* the role of the Working Group on Minorities of the Sub-Commission as an important forum for the promotion of the rights of persons belonging to minorities;

12. *Expresses its expectation* that the Working Group will further implement its mandate as set out in Commission resolution 1995/24 of 3 March 1995, with the involvement of a wide range of participants, and that it will also take note of the Commission's deliberations on this item;

13. *Calls upon* States, intergovernmental organizations, United Nations bodies, specialized agencies and non-governmental organizations to participate actively in the work of the Working Group, including through written contributions;

14. *Invites* the Working Group to submit, through the Sub-Commission, a comprehensive report on its work to the Commission at its fifty-fourth session for the consideration of, *inter alia*, the extension of its mandate;

15. *Requests* the Secretary-General to submit to the Commission at its fifty-fourth session a report on the implementation of the present resolution;

16. *Decides* to continue consideration of this issue at its fifty-fourth session under the same agenda item.

37th meeting
3 April 1997
[Adopted without a vote. See chap. XVII.]

1997/17. *Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights*

The Commission on Human Rights,

Recalling its resolution 1996/11 of 11 April 1996 and reaffirming the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights (A/CONF.157/23), which stated the need for a concerted effort to ensure recognition of economic, social and cultural rights at the national, regional and international levels,

Taking note of the work carried out by the Committee on Economic, Social and Cultural Rights, the open-ended working group on structural adjustment programmes and economic, social and cultural rights, and other relevant intergovernmental and non-governmental organizations, in particular the structural adjustment participatory review initiative of the World Bank,

1. Welcomes:

(a) The adoption by the United Nations Conference on Human Settlements (Habitat II), held in Istanbul (Turkey) from 3 to 14 June 1996, of the Istanbul Declaration on Human Settlements and the Habitat Agenda (A/CONF.165/14), in particular the recognition of the right to adequate housing as an important component of the right to an adequate standard of living, the definition of the role of the private sector and civil society, and the reaffirmation of the commitment to the full and progressive realization of the right to adequate housing as provided for in international instruments;

(b) The adoption by the World Food Summit, held in Rome from 13 to 17 November 1996, of the Rome Declaration on World Food Security and the World Food Summit Plan of Action (WFS 96/REP), in particular the reaffirmation of the right of everyone to have access to safe and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger;

2. Notes with interest:

(a) The report of the Committee on Economic, Social and Cultural Rights on a draft optional protocol for the consideration of communications concerning non-compliance with the International Covenant on Economic, Social and Cultural Rights (E/CN.4/1997/105, annex);

(b) The proposals adopted by the Committee on Economic, Social and Cultural Rights at its fifteenth session to enhance the central role played by the Committee in the promotion and protection of economic, social and cultural rights, namely the proposal for the adoption of a programme of action for the Committee that would increase its ability to examine States' reports and to assist interested Governments in their reporting duties, and the proposal recommending to the Commission the appointment of a special rapporteur on economic, social and cultural rights;

(c) The recommendations adopted by the open-ended working group on structural adjustment programmes and economic, social and cultural rights;

3. Reaffirms:

(a) The inextricable link between full respect for the rights contained in the International Covenant on Economic, Social and Cultural Rights and the process of development, the central purpose of which is the realization of the potentialities of the human person with the effective participation of all members of society in relevant decision-making processes as agents and beneficiaries of development, as well as with a fair distribution of its benefits;

(b) That all persons in all countries are entitled to the realization of their economic, social and cultural rights, which are indispensable to their dignity and the free development of their personality;

(c) The universality, indivisibility, interdependence and interrelationship of all human rights and fundamental freedoms and that promoting and protecting one category of rights should therefore never exempt or excuse States from the promotion and protection of other rights;

(d) The importance of international cooperation for the promotion and protection of all human rights, including economic, social and cultural rights;

4. Calls upon all States:

(a) To secure, through national development policies and international cooperation, full respect for economic, social and cultural rights, giving priority to the individuals, most often women, and communities living in extreme poverty and therefore most vulnerable and disadvantaged;

(b) To promote the effective and wide participation of representatives of civil society in the decision-making processes related to the promotion and protection of economic, social and cultural rights;

(c) To consider the desirability of drawing up national action plans identifying steps to improve the situation of human rights in general with specific national benchmarks designed to give effect to minimum essential levels of enjoyment of economic, social and cultural rights;

5. Calls upon States parties to the International Covenant on Economic, Social and Cultural Rights:

(a) To submit their reports to the Committee on Economic, Social and Cultural Rights in a regular and timely manner, as recommended in the Vienna Statement of the human rights treaty bodies adopted during the World Conference on Human Rights (A/CONF.157/TBB/4 and Add.1);

(b) To promote the participation of representatives of civil society in the process of preparation of their periodic reports to the Committee on Economic, Social and Cultural Rights and in the implementation of the recommendations of the Committee;

6. Decides:

(a) To request the United Nations High Commissioner for Human Rights and the relevant human rights mechanisms and treaty bodies to give, within their mandates, greater attention to the protection of economic, social and cultural rights;

(b) To request the Secretary-General to submit reports to the General Assembly at its fifty-second session and to the Commission on Human Rights at its fifty-fourth session, under the relevant agenda items, on progress towards the realization of the rights set forth in the International Covenant on Economic, Social and Cultural Rights, giving due reflection to:

(i) The views of all relevant national and international organizations, governmental or non-governmental, on the opportuneness and resource implications of appointing a special rapporteur to encourage the promotion and protection of economic, social and cultural rights in general; and

(ii) Their reactions to the report of the Committee on Economic, Social and Cultural Rights on a draft optional protocol for the consideration of communications concerning non-compliance with the International Covenant on Economic, Social and Cultural Rights;

(c) To request the High Commissioner for Human Rights to give appropriate consideration to the proposed programme of action designed to enhance the ability of the Committee on Economic, Social and Cultural Rights to assist interested Governments in their reporting obligations and its capacity to process and follow up the examination of States' reports.

56th meeting
11 April 1997
[Adopted without a vote. See chap. V.]

1997/18. *Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief*

The Commission on Human Rights,

Recalling that all States have pledged themselves, under the Charter of the United Nations, to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recalling also General Assembly resolution 36/55 of 25 November 1981, by which it proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Recalling article 18 of the International Covenant on Civil and Political Rights,

Emphasizing that the right to freedom of thought, conscience, religion and belief is far-reaching and profound, and that it encompasses freedom of thought on all matters, personal conviction and the commitment to religion or belief, whether manifested individually or in community with others,

1. *Takes note* of the report of the Special Rapporteur on religious intolerance (E/CN.4/1997/91 and Add.1);

2. *Expresses grave concern at and condemns* all forms of intolerance and of discrimination based on religion or belief;

3. *Urges* States:

(a) To ensure that their constitutional and legal systems provide adequate and effective guarantees of freedom of thought, conscience, religion and belief to all without discrimination, including the provision of effective remedies in cases where the right to freedom of religion or belief is violated;

(b) To ensure, in particular, that no one within their jurisdiction is deprived of the right to life or the right to liberty and security of person because of religion or belief, or is subjected to torture or arbitrary arrest or detention on that account;

(c) In conformity with international standards of human rights, to take all necessary action to combat hatred, intolerance and acts of violence, intimidation and coercion motivated by intolerance based on religion or belief, including practices which violate the human rights of women and discriminate against women;

(d) To recognize, as provided in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, the right of all persons to worship or assemble in connection with a religion or belief and to establish and maintain places for these purposes;

(e) To ensure that, in the course of their official duties, members of law enforcement bodies, civil servants, educators and other public officials respect different religions and beliefs and do not discriminate on the grounds of religion or belief;

(f) To exert their utmost efforts, in accordance with their national legislation and in conformity with international human rights standards, to ensure that religious places, sites and shrines are fully respected and protected;

(g) To promote and encourage through the educational system, and by other means, understanding, tolerance and respect in matters relating to freedom of religion or belief;

4. *Emphasizes* that, as underlined by the Human Rights Committee, restrictions on the freedom to manifest religion or belief are permitted only if limitations are prescribed by law, are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others, and are applied in a manner that does not vitiate the right to freedom of thought, conscience and religion;

5. *Encourages* the continued efforts of the Special Rapporteur to examine incidents and governmental actions in all parts of the world that are incompatible with the provisions of the Declaration and to recommend remedial measures as appropriate;

6. *Stresses* the need for the Special Rapporteur to apply a gender perspective, *inter alia* through the identification of gender-specific abuses, in the reporting process, including in information collection and in recommendations;

7. *Calls upon* all Governments to cooperate with the Special Rapporteur on religious intolerance and to give serious consideration to inviting the Special Rapporteur to visit their countries so as to enable him to fulfil his mandate even more effectively;

8. *Welcomes* the work of the Special Rapporteur and reiterates the need for him to be able to respond effectively to credible and reliable information that comes before him, and invites him to continue to seek the views and comments of Governments concerned in the elaboration of his report, as well as to continue to carry out his work with discretion and independence;

9. *Recognizes* that the exercise of tolerance and non-discrimination by all actors in society is necessary for the full realization of the aims of the Declaration;

10. *Welcomes and encourages* the efforts of non-governmental organizations and religious bodies and groups to promote the implementation of the Declaration and invites them to consider what further contribution they could make to its implementation and dissemination in all parts of the world;

11. *Considers it desirable* to enhance the promotional and public information activities of the United Nations in matters relating to freedom of religion or belief and to ensure, as a matter of priority, the widest possible dissemination of the text of the Declaration by United Nations information centres, as well as by other interested bodies;

12. *Requests* the Secretary-General to provide all necessary assistance to the Special Rapporteur to enable him to carry out his mandate, to submit an interim report to the General Assembly at its fifty-second session and to report to the Commission at its fifty-fourth session;

13. *Decides* to continue its consideration of the question at its fifty-fourth session under the agenda item entitled "Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief".

56th meeting
11 April 1997
[Adopted without a vote. See chap. XIX.]

1997/19. *Traffic in women and girls*

The Commission on Human Rights,

Reaffirming the principles set forth in the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the International Covenants on Human Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the Declaration on the Elimination of Violence against Women,

Recalling the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in June 1993 (A/CONF.157/23), which affirmed the human rights of women and the girl child as an inalienable, integral and indivisible part of universal human rights,

Recalling also the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, taking note of the comments contained in the report of the Secretary-General (A/51/309), and recalling all previous resolutions on the problem of the traffic in women and girls,

Affirming the provisions adopted by the World Conference on Human Rights, the International Conference on Population and Development, the World Summit for Social Development, the Fourth World Conference on Women and the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders pertaining to the traffic in women and children,

Acknowledging the work done by intergovernmental and non-governmental organizations in compiling information on the scale and complexity of the problem of trafficking, in providing shelters for trafficked women and children and in effecting their voluntary repatriation to their countries of origin,

Noting with concern the increasing number of women and girls from developing countries and from some countries with economies in transition who are being victimized by traffickers, and acknowledging that trafficking also victimizes young boys,

Convinced of the need to eliminate all forms of sexual violence and sexual trafficking, including for prostitution and other forms of commercial sex, which are violations of the human rights of women and girls and are incompatible with the dignity and worth of the human person,

Realizing the urgent need for the adoption of effective measures nationally, regionally and internationally to protect women and girls from this nefarious traffic,

1. *Notes with appreciation* the report of the Secretary-General on the traffic in women and girls (A/51/309);

2. *Welcomes* the convening of the World Congress against Commercial Sexual Exploitation of Children, held in Stockholm from 27 to 31 August 1996;

3. *Calls upon* Governments of countries of origin, transit and destination, and regional and international organizations, as appropriate, to implement the Platform for Action of the Fourth World Conference on Women by:

(a) Considering the ratification and enforcement of international conventions on trafficking in persons and on slavery;

(b) Taking appropriate measures to address the root factors, including external factors, that encourage trafficking in women and girls for prostitution and other forms of commercialized sex, forced marriages and forced labour in order to eliminate trafficking in women, including by strengthening existing legislation with a view to providing better protection of the rights of women and girls and to punishing the perpetrators, through both criminal and civil measures;

(c) Stepping up cooperation and concerted action by all relevant law enforcement authorities and institutions with a view to dismantling national, regional and international networks in trafficking;

(d) Allocating resources to provide comprehensive programmes designed to heal and rehabilitate into society victims of trafficking, including through job training, legal assistance and confidential health care and by taking measures to cooperate with non-governmental organizations to provide for the social, medical and psychological care of the victims of trafficking;

(e) Developing educational and training programmes and policies and considering enacting legislation aimed at preventing sex tourism and trafficking, giving special emphasis to the protection of young women and children;

4. _Invites_ Governments to take steps to ensure for victims of trafficking the respect of all their human rights and fundamental freedoms;

5. _Also invites_ Governments, with the support of the United Nations, to formulate manuals for the training of personnel who receive and/or hold in temporary custody victims of gender-based violence, including trafficking, with a view to sensitizing them to the special needs of victims;

6. _Encourages_, in this regard, relevant United Nations bodies and organizations, including the United Nations International Research and Training Institute for the Advancement of Women, the United Nations Development Fund for Women, the United Nations Children's Fund, the International Labour Organization and the United Nations Educational, Scientific and Cultural Organization, as well as the International Organization for Migration, to contribute to the preparation of guidelines for the use of Governments in the elaboration of their manuals, in cooperation with all relevant intergovernmental and non-governmental organizations, including those concerned with traumatic stress, taking into account existing research material or studies on the subject;

7. _Notes with appreciation_ the report of the Special Rapporteur on violence against women, its causes and consequences (E/CN.4/1997/47 and Add.1-4) and the report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/1997/95 and Add.1 and 2), particularly with respect to the traffic in persons, and encourages them to continue to address this problem among their priority concerns;

8. _Encourages_ the Centre for Human Rights to include the issue of traffic in women and girls in its programme of work under its advisory, training and information activities, with a view to providing assistance to

Governments, upon their request, in instituting preventive measures against trafficking through education and appropriate information campaigns;

9. Requests the Sub-Commission on Prevention of Discrimination and Protection of Minorities to encourage its Working Group on Contemporary Forms of Slavery to continue to address the issue of the traffic in women and girls under its Programme of Action for the Prevention of the Traffic in Persons and the Exploitation of the Prostitution of Others (see E/CN.4/Sub.2/1995/28/Add.1);

10. Invites relevant intergovernmental and non-governmental organizations to provide advisory services to Governments, upon their request, in planning and setting up rehabilitation programmes for victims of trafficking and in training personnel who will be directly involved in the implementation of those programmes;

11. Welcomes the decision of the Economic and Social Council to devote its coordination segment of 1997 to mainstreaming a gender perspective;

12. Requests the Secretary-General to provide the Commission, at its fifty-fourth session, with his report to the General Assembly at its fifty-second session on the implementation of General Assembly resolution 51/66 of 12 December 1996;

13. Decides to continue its consideration of the question at its fifty-fourth session under the relevant agenda item.

56th meeting
11 April 1997
[Adopted without a vote. See chap. XVI.]

1997/20. Contemporary forms of slavery

The Commission on Human Rights,

Gravely concerned at modern manifestations of slavery, the slave trade and slavery-like practices,

Recalling its previous resolutions on the subject, especially resolution 1996/61 of 23 April 1996, and taking note of the resolutions of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the subject, including resolutions 1996/12 of 23 August 1996 and 1996/18 of 29 August 1996,

Bearing in mind that the Slavery Convention of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956 and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949, as well as article 4 of the Universal Declaration of Human Rights and article 8 of the International Covenant on Civil and Political Rights provide, *inter alia*, that no one shall be held in slavery or servitude,

1. *Welcomes* the work of the Working Group on Contemporary Forms of Slavery and takes note of its recommendations (see E/CN.4/Sub.2/1996/24 and Corr.1);

2. *Expresses its grave concern* at manifestations of contemporary forms of slavery, *inter alia* those reported to the Working Group;

3. *Requests* the Secretary-General to invite eligible States that have not yet ratified or acceded to the conventions on slavery to consider doing so as soon as possible;

4. *Calls upon* States:

(a) To consider taking appropriate action for the protection of groups of persons particularly vulnerable to slavery and slavery-like practices, such as children and women, including migrant women;

(b) To consider adopting legal and administrative measures for the protection, rehabilitation and reintegration of victims of contemporary forms of slavery;

(c) To consider ratifying, if they have not yet done so, the pertinent international instruments, including the Forced Labour Convention, 1930 (Convention No. 29) and the Minimum Age Convention, 1973 (Convention No. 138) of the International Labour Organization;

5. *Requests* the Secretary-General:

(a) To continue the examination of the reliability of allegations regarding the removal of organs and tissues of children and adults for commercial purposes and to include an analysis of this question in an updated report to be submitted to the Commission at its fifty-fifth session, in order to enable the Commission to decide whether continued attention to this question is required;

(b) To transmit to Governments an appeal for contributions to the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery;

(c) To designate the High Commissioner/Centre for Human Rights as the focal point for the coordination of activities in the United Nations system for the suppression of contemporary forms of slavery;

6. *Decides* to resume consideration of this question at its fifty-fifth session.

56th meeting
11 April 1997
[Adopted without a vote. See chap. XVI.]

1997/21. Minimum humanitarian standards

The Commission on Human Rights,

Gravely concerned at the large number of situations where internal violence causes extensive suffering and breaches of the principles of humanity and undermines the protection of human rights,

Conscious of the desirability of continuing to study the principles of humanity governing the behaviour of all persons, groups and public authorities,

Emphasizing, in this regard, the need to identify and implement measures to prevent violations and abuses of human rights and fundamental freedoms, in particular the right to life and integrity of the individual,

Recalling its resolution 1996/26 of 19 April 1996 and welcoming the report of the International Workshop on Minimum Humanitarian Standards organized in Cape Town, South Africa, from 27 to 29 September 1996 (E/CN.4/1997/77/Add.1, annex) by the Governments of Denmark, Finland, Iceland, Norway, Sweden and South Africa, in cooperation with the International Committee of the Red Cross, to address the issue of minimum humanitarian standards applicable in all situations,

1. Recognizes the desirability of identifying principles applicable to all situations in a manner consistent with international law, including the Charter of the United Nations;

2. Also recognizes in this regard the vital importance of the existence in each country of appropriate national legislation for dealing with such situations in a manner consistent with the rule of law;

3. Invites all States to consider reviewing their national legislation relevant to situations of public emergency with a view to ensuring that it meets the requirements of the rule of law and that it does not involve discrimination on the grounds of race, colour, sex, language, religion or social origin;

4. Requests the Secretary-General, in coordination with the International Committee of the Red Cross and within existing resources, to submit to the Commission at its fifty-fourth session an analytical report on the issue of fundamental standards of humanity, taking into consideration in particular the issues raised in the report of the International Workshop on Minimum Humanitarian Standards held in Cape Town, South Africa, from 27 to 29 September 1996, and identifying, inter alia, common rules of human rights law and international humanitarian law that are applicable in all circumstances;

5. Also requests the Secretary-General, in preparing his study, to seek the views of and information from Governments, United Nations bodies, in

particular the Office of the United Nations High Commissioner for Refugees, the human rights treaty bodies and intergovernmental organizations, as well as regional organizations and non-governmental organizations.

56th meeting
11 April 1997
[Adopted without a vote. See chap. XVI.]

1997/22. Work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

The Commission on Human Rights,

Reaffirming its resolution 1996/25 of 19 April 1996,

Recalling the terms of reference of the Sub-Commission on Prevention of Discrimination and Protection of Minorities as defined by the Commission and its particular responsibilities established, *inter alia*, in Commission resolutions 8 (XXIII) of 16 March 1967 and 17 (XXXVII) of 10 March 1981, Economic and Social Council resolutions 1235 (XLII) of 6 June 1967 and 1503 (XLVIII) of 27 May 1970, and the relevant resolutions of the General Assembly,

Recalling also its resolution 1992/66 of 4 March 1992, in which it provided certain guidelines for the work of the Sub-Commission, and Economic and Social Council resolution 1991/32 of 31 May 1991 on strengthening the independence of the expert members of the Sub-Commission,

Taking note of the report of the working group on the methods of work of the Sub-Commission (E/CN.4/Sub.2/1994/3) and of Sub-Commission decision 1994/117 of 26 August 1994,

Taking note also of the reports of the Sub-Commission and its Chairman on its forty-eighth session (E/CN.4/1997/2-E/CN.4/Sub.2/1996/41 and E/CN.4/1997/79),

1. Reaffirms that the Sub-Commission on Prevention of Discrimination and Protection of Minorities can best assist the Commission on Human Rights by providing it with recommendations based on the views and perspectives of independent experts, which should be appropriately reflected in the report of the Sub-Commission, as well as in the expert studies carried out under its auspices;

2. Expresses its appreciation of the steps undertaken by the Sub-Commission to reform and improve its methods of work, in particular the rationalization of its draft provisional agenda for its forty-ninth session, the initiation of a study on how to revise its work schedule for improved consultation among members (decision 1996/112), the decision to limit the initiation of new studies (decision 1996/113), the compilation of the existing rules of procedure and procedural questions to be resolved (decision 1996/114)

and the decision to avoid duplication of the work of the Commission on Human Rights by not taking action during its forty-ninth session on human rights situations under consideration in the public procedures of the Commission (decision 1996/115);

3. Requests the Sub-Commission to continue thoroughly reviewing its working methods with a view to improving further its efficiency and avoiding duplication with the Commission and its mechanisms, taking into account the views of Member States, and, in this context, calls upon the Sub-Commission:

(a) To focus on its primary role as an advisory body of the Commission on Human Rights;

(b) To refrain henceforth from duplicating action by the Commission on Human Rights with regard to country situations under consideration in the public procedures of the Commission and, furthermore, limit action to exceptional cases in which new and particularly grave circumstances arise;

(c) To give particular attention to the process of selection of studies and, when choosing subjects for study, to take into account recommendations of the Commission on Human Rights and the treaty bodies, explaining the choice made so as to enable the Commission adequately to assess the need for a specific study;

(d) To improve further the independence and the impartiality of the Sub-Commission, in particular in discussions concerning the situation in a specific country;

(e) To facilitate efficient and effective participation of non-governmental organizations;

(f) To improve consultations with special rapporteurs undertaking studies for the Sub-Commission;

(g) Further to enhance cooperation with mechanisms of the Commission and, within their competence, with all relevant bodies, including the human rights treaty bodies and relevant United Nations research institutions;

(h) To focus strictly on questions relating to human rights in accordance with its mandate;

4. Calls upon the Sub-Commission to devote sufficient time at its forty-ninth session to the discussion of its working methods and to prepare specific recommendations on that issue for consideration by the Commission on Human Rights;

5. Reaffirms that members of the Sub-Commission should discharge their functions in their personal capacity and calls upon States to nominate as members and alternates independent experts of recognized competence in the field of human rights, as well as to respect fully the independence of elected members and alternates;

6. *Requests* States nominating candidates for the Sub-Commission to submit nominations sufficiently early to enable the members of the Commission to assess thoroughly the qualifications of the nominees;

7. *Requests* the Secretary-General to continue to give strong support to the Sub-Commission and, in particular, to ensure that Sub-Commission documents are available in all the official United Nations languages in good time before the session;

8. *Also requests* the Secretary-General, in responding to requests from the Sub-Commission to solicit information from Governments and intergovernmental and non-governmental organizations, to agree to such requests only after they have been approved by the Commission on Human Rights;

9. *Invites* the Chairman of the Commission to inform the Sub-Commission of the debate under this item;

10. *Requests* the Chairman of the Sub-Commission at its forty-ninth session to report to the Commission at its fifty-fourth session on significant aspects of the work of the Sub-Commission.

56th meeting
11 April 1997
[Adopted without a vote. See chap. XVI.]

1997/23. Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

The Commission on Human Rights,

Guided by articles 7, 8, 10 and 11 of the Universal Declaration of Human Rights and articles 2, 14 and 26 of the International Covenant on Civil and Political Rights, and bearing in mind the Vienna Declaration and Programme of Action (A/CONF.157/23), in particular Part I, paragraph 27, and Part II, paragraphs 88, 90 and 95, thereof,

Convinced that an independent and impartial judiciary and an independent legal profession are essential prerequisites for the protection of human rights and for ensuring that there is no discrimination in the administration of justice,

Recalling its resolution 1994/41 of 4 March 1994, in which it requested the Chairman of the Commission to appoint, for a period of three years, a special rapporteur on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers,

Recalling also its resolution 1995/36 of 3 March 1995, in which it endorsed the decision of the Special Rapporteur to use, beginning in 1995, the short title "Special Rapporteur on the independence of judges and lawyers",

Recalling further General Assembly resolution 40/32 of 29 November 1985, in which the Assembly endorsed the Basic Principles on the Independence of the

Judiciary, adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, and Assembly resolution 40/146 of 13 December 1985,

Recalling General Assembly resolution 45/166 of 18 December 1990, in which the Assembly welcomed the Basic Principles on the Role of Lawyers and the Guidelines on the Role of Prosecutors, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, and invited Governments to respect them and to take them into account within the framework of their national legislation and practice,

Recalling also the recommendations adopted by the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Cairo from 29 April to 8 May 1995, regarding, among other things, the invitation addressed to Member States to ensure the independence and impartiality of the judiciary and the proper functioning of prosecutorial and legal services in the field of penal justice and police affairs, taking into account the Basic Principles on the Independence of the Judiciary,

Recalling further the Statement of Principles on the Independence of the Judiciary adopted in Beijing in August 1995 by the Sixth Conference of Chief Justices of Asia and the Pacific, and the Cairo Declaration, adopted in November 1995 by the Third Conference of Francophone Ministers of Justice,

Acknowledging the importance for the Special Rapporteur of being able to cooperate closely, in the framework of his mandate, with the Centre for Human Rights in the field of advisory services and technical cooperation, which could contribute to guaranteeing the independence of judges and lawyers,

Recognizing the importance of the role of non-governmental organizations, bar associations and professional associations of judges in the defence of the principles of the independence of lawyers and judges,

Noting with concern the increasingly frequent attacks on their independence suffered by judges, lawyers and court officers, and aware of the close link between the weakening of safeguards for judges, lawyers and court officers and the frequency and gravity of violations of human rights,

Taking note of the report submitted by the Special Rapporteur on the implementation of his mandate (E/CN.4/1997/32),

1. Takes note of the report submitted by the Special Rapporteur on the activities relating to his mandate;

2. Also takes note of the cooperative working methods that the Special Rapporteur has adopted to draw up his report and implement his mandate, as described in Commission resolution 1994/41;

3. Welcomes the numerous exchanges the Special Rapporteur has had with several intergovernmental and international organizations and United Nations bodies, and encourages him to continue along this path;

4. Notes with appreciation the determination of the Special Rapporteur to achieve as wide a dissemination as possible of information about existing standards relating to the independence and impartiality of the judiciary and the independence of the legal profession in conjunction with the publications and promotional activities of the Centre for Human Rights;

5. Invites the United Nations High Commissioner for Human Rights to continue to provide technical assistance to train judges and lawyers and to associate the Special Rapporteur in the elaboration of a manual on the training of judges and lawyers in the field of human rights;

6. Urges all Governments to assist the Special Rapporteur in the discharge of his mandate and to transmit to him all the information requested;

7. Encourages Governments that face difficulties in guaranteeing the independence of judges and lawyers, or that are determined to take measures to implement these principles further, to consult and to consider the services of the Special Rapporteur, for instance by inviting him to their country if the Government concerned deems it necessary;

8. Decides to extend the mandate of the Special Rapporteur for a further period of three years, requests him to submit a report on the activities relating to his mandate to the Commission at its fifty-fourth session, and decides to consider this question at that session;

9. Requests the Secretary-General, within the limits of the regular budget, to provide the Special Rapporteur with any assistance needed for the discharge of his mandate;

10. Recommends the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B, draft decision 6.]

56th meeting
11 April 1997
[Adopted without a vote. See chap. VIII.]

1997/24. Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The Commission on Human Rights,

Recalling its resolution 1992/43 of 3 March 1992, by which it established an open-ended working group to elaborate a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, using as a basis for its discussions the draft text proposed by the Government of Costa Rica (E/CN.4/1991/66), and decided to consider the question at its forty-ninth session, Recalling also the subsequent resolutions on the subject, in particular resolution 1996/22 of 23 July 1996 of the Economic and Social Council, in which the Council authorized the working group to meet in order to continue its work,

Recalling further that the World Conference on Human Rights firmly declared that efforts to eradicate torture should, first and foremost, be concentrated on prevention and called for the early adoption of an optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, intended to establish a preventive system of regular visits to places of detention,

1. Takes note of the report of the working group on the draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (E/CN.4/1997/33 and Add.1), and warmly welcomes the progress made during the working group's fifth session;

2. Requests the open-ended working group to meet for a period of two weeks prior to the fifty-fourth session of the Commission in order to continue its work, with a view to completing expeditiously a final and substantive text, and to report on its work to the Commission at that session;

3. Requests the Secretary-General to transmit the report of the working group to all Governments, the specialized agencies, the chairpersons of the human rights treaty bodies and intergovernmental and non-governmental organizations, and to invite them to submit their comments to the working group;

4. Also requests the Secretary-General to invite Governments, the specialized agencies and relevant intergovernmental and non-governmental organizations, as well as the Chairperson of the Committee against Torture and the Special Rapporteur on the question of torture, to participate in the activities of the working group;

5. Further requests the Secretary-General to extend all the necessary facilities to the working group for its meeting prior to the fifty-fourth session of the Commission;

6. Decides to examine the report of the working group at its fifty-fourth session under the sub-item "Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment" of the agenda item entitled "Question of the human rights of all persons subjected to any form of detention or imprisonment";

7. Recommends the following draft resolution to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. A, draft resolution I.]

56th meeting
11 April 1997
[Adopted without a vote. See chap. VIII.]

1997/25. United Nations staff

The Commission on Human Rights,

Recalling its resolution 1996/29 of 19 April 1996,

Gravely concerned at the recent increase in attacks and the use of force against United Nations and other personnel acting under the authority of United Nations operations as well as personnel of international humanitarian organizations, including murder, physical and psychological threats, hostage-taking, shooting at vehicles and aircraft, mine-laying, looting of assets and other hostile acts, and, in this context, welcoming the statement by the President of the Security Council of 12 March 1997 (S/PRST/1997/13) on "Security of United Nations operations",

Noting that, since its adoption, the Convention on the Safety of United Nations and Associated Personnel has been signed by only 43 Member States and ratified by 10,

1. Takes note of the updated report of the Secretary-General on the detention of international civil servants and their families (E/CN.4/1997/25 and Add.1);

2. Draws attention to the relevant principles on protection found in the Convention on the Privileges and Immunities of the United Nations, the Convention on the Privileges and Immunities of the Specialized Agencies and the Convention on the Safety of United Nations and Associated Personnel;

3. Calls upon all States to consider promptly becoming parties to the Convention on the Safety of United Nations and Associated Personnel;

4. Calls upon States and others concerned:

(a) To respect and ensure respect for the rights of United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation and to take the necessary measures to ensure the safety and security of those personnel as well as the inviolability of United Nations premises which are essential to the continuation and successful implementation of United Nations operations;

(b) To provide adequate and prompt information concerning the arrest or detention of United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation;

(c) To grant the representative of the competent international organization immediate access to such personnel;

(d) To allow independent medical teams to investigate the health of detained United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation and to afford them the necessary medical assistance;

(e) To allow representatives of the competent international organization to attend hearings involving United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation, provided that such attendance is consistent with domestic law;

(f) To ensure the speedy release of United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation who have been arrested or detained in violation of their immunity, in accordance with the relevant conventions referred to in the present resolution and applicable international humanitarian law;

(g) To ensure that the perpetrators of unlawful acts against United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation are held accountable for their actions;

5. Requests the Secretary-General:

(a) To take the necessary measures to ensure full respect for the human rights, privileges and immunities of United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation and, when those human rights, privileges and immunities are violated, to ensure that such personnel are restored to their organization, and, where appropriate, to seek redress and compensation for the damage caused to them;

(b) To take the necessary measures to implement the recommendations contained in the final report of the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on protection of the human rights of United Nations staff members, experts and their families (E/CN.4/Sub.2/1992/19), including the recommendations contained in paragraphs 45 and 47;

(c) To seek the inclusion of the applicable principles referred to in paragraph 2 of the present resolution in negotiations of headquarters and other mission agreements concerning United Nations and associated personnel;

(d) To submit to the General Assembly at its fifty-second session a report on the situation of United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation who are imprisoned, missing or held in a country against their will, on new cases which have been successfully settled, and on the implementation of the measures referred to in the present resolution;

(e) To commission a comprehensive and independent study, from within existing resources, to shed further light on the safety and security problems faced by United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation, taking into account the evolution of the nature of United Nations missions around the world and the greater responsibilities of those personnel, giving due consideration to the views of the main United Nations agencies concerned and of relevant international organizations, both intergovernmental and non-governmental.

56th meeting
11 April 1997
[Adopted without a vote. See chap. VIII.]

1997/26. Question of enforced or involuntary disappearances

The Commission on Human Rights,

Bearing in mind General Assembly resolution 33/173 of 20 December 1978, in which the Assembly requested the Commission on Human Rights to consider the question of disappeared persons with a view to making appropriate recommendations, and all other United Nations resolutions concerning missing or disappeared persons,

Recalling its resolution 20 (XXXVI) of 29 February 1980, in which it decided to establish a working group consisting of five of its members, to serve as experts in their individual capacity, to examine questions relevant to enforced or involuntary disappearances, and its resolutions 1991/41 of 5 March 1991, 1992/30 of 28 February 1992, 1993/35 of 5 March 1993, 1994/39 of 5 March 1994, 1995/38 of 3 March 1995 and 1996/30 of 19 April 1996,

Recalling also General Assembly resolution 47/133 of 18 December 1992, by which the Assembly adopted the Declaration on the Protection of All Persons from Enforced Disappearance as a body of principles for all States, and Assembly resolutions 49/193 of 23 December 1994 and 51/94 of 12 December 1996,

Deeply concerned, in particular, by the intensification of enforced or involuntary disappearances in various regions of the world and by the growing number of reports concerning harassment, ill-treatment and intimidation of witnesses of disappearances or relatives of persons who have disappeared,

Recalling its resolution 1995/75 of 8 March 1995 on cooperation with representatives of United Nations human rights organs,

1. Takes note of the report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1997/34);

2. Reminds the Working Group:

(a) That its primary role is to act as a channel of communication between families of disappeared persons and the Governments concerned, with a view to ensuring that sufficiently documented and clearly identified individual cases are investigated and to ascertain whether such information falls under its mandate and contains the required elements;

(b) That in its humanitarian task it must observe United Nations standards and practices regarding the handling of communications and the consideration of government replies;

(c) That it should continue to consider the question of impunity in close collaboration with the rapporteurs appointed by the Sub-Commission on Prevention of Discrimination and Protection of Minorities and with due regard for the relevant provisions of the Declaration on the Protection of All Persons from Enforced Disappearance;

(d) That it should pay particular attention to cases of children subjected to enforced disappearance and children of disappeared persons, and cooperate closely with the Governments concerned in searching for and identifying these children;

(e) That it must apply a gender perspective in its reporting process, including in information collection and formulation of recommendations;

3. Deplores the fact that some Governments have never provided substantive replies concerning the cases of enforced disappearances in their countries or acted on the recommendations concerning them made in the reports of the Working Group;

4. Urges the Governments concerned:

(a) To cooperate with the Working Group and help it to carry out its mandate effectively;

(b) To intensify their cooperation with the Working Group on any action taken pursuant to recommendations addressed to them by the Working Group;

(c) To take steps to protect the families of disappeared persons against any intimidation or ill-treatment to which they might be subjected;

(d) To invite the Working Group to visit their countries so as to enable it to fulfil its mandate even more effectively;

(e) To take steps to ensure that, when a state of emergency is introduced, the protection of human rights is guaranteed, particularly as regards the prevention of enforced or involuntary disappearances;

(f) That have long had many unresolved cases of disappearances, to continue their efforts to shed light on the fate of the individuals concerned and to set in train with the families of those individuals appropriate settlement machinery;

5. Reminds Governments:

(a) Of the need to ensure that their competent authorities proceed in reasonable time to conduct impartial inquiries in all circumstances where there is reason to believe that an enforced disappearance has occurred in territory under their jurisdiction;

(b) That, if such belief is borne out, the perpetrators must be prosecuted, and that all acts of enforced disappearance are crimes punishable by appropriate penalties which should take due account of their extreme seriousness under penal law;

6. Expresses:

(a) Its thanks to the many Governments that have cooperated with the Working Group and replied to its requests for information, and to the Governments that have invited the Working Group to visit their countries, asks them to give all necessary attention to the Working Group's recommendations, and invites them to inform the Working Group of any action they take on those recommendations;

(b) Its commendation of the efforts by Governments which investigate, or develop appropriate mechanisms to investigate, any cases of enforced disappearances which are brought to their attention, and encourages all the Governments concerned to expand their efforts in this area;

7. Invites:

(a) States to take legislative, administrative, legal and other steps to implement the principles of the Declaration on the Protection of All Persons from Enforced Disappearance;

(b) All Governments in this connection to take action at the national and regional levels and in cooperation with the United Nations, if appropriate through technical assistance;

(c) States to provide, as some have already done, concrete information on measures taken to give effect to the Declaration, as well as obstacles encountered;

8. Takes note:

(a) Of the activities of non-governmental organizations in support of the implementation of the Declaration, and invites them to continue to facilitate its dissemination;

(b) Of the cooperation provided to the Working Group by non-governmental organizations;

9. Requests the Working Group to report on its activities to the Commission at its fifty-fourth session and to continue to discharge its mandate discreetly and conscientiously;

10. Requests the Secretary-General:

(a) To ensure that the Working Group receives all the assistance and resources it requires to perform its function, especially in carrying out missions, following them up or holding sessions in countries that would be prepared to receive it;

(b) To keep the Working Group and the Commission on Human Rights regularly informed of the steps he takes for the wide dissemination and promotion of the Declaration on the Protection of All Persons from Enforced Disappearance;

11. Decides to consider this matter at its fifty-fourth session under the same agenda item.

57th meeting
11 April 1997
[Adopted without a vote. See chap. VIII.]

1997/27. Right to freedom of opinion and expression

The Commission on Human Rights,

Guided by the Universal Declaration of Human Rights, which affirms the right to freedom of opinion and expression,

Mindful of the International Covenant on Civil and Political Rights, which reaffirms, in article 19, the right of everyone to hold opinions without interference, as well as the right to freedom of expression, including the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art or through any other media of their choice,

Mindful also that the International Covenant on Civil and Political Rights also states that the exercise of the right to freedom of expression carries with it special duties and responsibilities and may therefore be subject to certain restrictions, but that these should be only such as are provided by law and are necessary for the respect of the rights and reputations of others, or for the protection of national security or public order (ordre public) or of public health or morals, and that any propaganda for war or any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law,

Mindful further of the need to ensure that unjustified invocation of national security to restrict the right to freedom of expression and information does not take place,

Taking note of the Johannesburg Principles on National Security, Freedom of Expression and Access to Information adopted by a group of experts meeting in South Africa on 1 October 1995, which are annexed to the report submitted to the Commission at its fifty-second session by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (E/CN.4/1996/39),

Considering the promotion and protection of the right to freedom of opinion and expression, including the right to seek, receive and impart information, as well as the rights to peaceful assembly and association to be essential to popular participation in decision-making processes and to the realization of all the rights set forth in international human rights instruments and to be interrelated with, and to enhance, the exercise of those human rights,

Considering also that a deterioration in the exercise of the right to freedom of expression could be indicative of a further weakening in the protection and enjoyment of human rights in a country,

Reaffirming the interrelation and interdependence between the exercise of freedom of opinion and expression and the full enjoyment of the freedom to seek, receive and impart information and the importance of a free flow and wider dissemination of information to and from developing countries,

Considering that the effective promotion and protection of the human rights of persons who exercise the right to freedom of opinion and expression are of fundamental importance to the safeguarding of human dignity,

Reaffirming that education is an integral component of the full and effective participation of persons in a free society, in particular for the full enjoyment of the right to freedom of opinion and expression, and that the eradication of illiteracy is very important to the achievement of these goals and to the development of the human person,

Recalling its resolution 1996/53 of 19 April 1996, in which it decided to renew the mandate of the Special Rapporteur for a further three years,

Deeply concerned at numerous reports of detention of, as well as discrimination, threats and acts of violence and harassment, including persecution and intimidation, against, professionals in the field of information, including journalists, editors, writers and authors, translators, publishers, broadcasters, printers and distributors, and, in this context, recalling all other resolutions of the Commission on Human Rights that address the question of the full enjoyment and exercise by everyone of the right to freedom of opinion and expression,

Taking note of the need to raise awareness about the interrelationship between the use and availability of new media of communication, including modern telecommunications technology, and the right to freedom of expression and information, and of the efforts made in this regard in a number of international and regional forums, and mindful of provisions of relevant instruments,

Deeply concerned that for women there exists a gap between the right to freedom of opinion and expression and the effective enjoyment of that right, and that this gap contributes to inadequate action by Governments in the integration of the human rights of women into the mainstream of their human rights activities,

1. Reaffirms its commitment to the principles contained in the International Covenant on Civil and Political Rights;

2. Takes note of the report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

(E/CN.4/1997/31 and Add.1) and of the comments and analysis contained therein, including that the right to freedom of opinion and expression is a prerequisite to ensuring public participation in decision-making processes;

3. *Expresses its concern* at the continuing problem of the inadequate resources, both human and material, provided to the Special Rapporteur and accordingly reiterates its request to the Secretary-General to provide all the assistance necessary to the Special Rapporteur to fulfil his mandate effectively, in particular by strengthening the human and material resources placed at his disposal;

4. *Requests* the Secretary-General to consider ways of publicizing, including through the information website operated by the Centre for Human Rights and within the framework of the United Nations Decade for Human Rights Education, the work of the Special Rapporteur, as well as recommendations made by him;

5. *Expresses its concern* at the extensive occurrence of detention, long-term detention and extrajudicial killing, persecution and harassment, including through the abuse of legal provisions on criminal libel, of, and threats, acts of violence and discrimination directed at, persons who exercise the right to freedom of opinion and expression and the intrinsically linked rights to freedom of thought, conscience and religion, peaceful assembly and association and the right to take part in the conduct of public affairs, and concerned in particular at such treatment of professionals in the field of information, including journalists, editors, writers and authors, translators, publishers, broadcasters, printers and distributors, as well as persons who seek to promote the rights affirmed in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights and seek to educate others about them or who defend those rights and freedoms, including legal professionals and others who represent persons exercising those rights;

6. *Also expresses its concern* at the number of cases in which the violations referred to in paragraph 5 of the present resolution are facilitated and aggravated by several factors such as abuse of states of emergency, exercise of the powers specific to states of emergency without formal declaration, and too vague a definition of offences against State security;

7. *Welcomes* the release of persons detained for exercising these rights and freedoms, and encourages further progress in this regard;

8. *Appeals* to all States:

(a) To ensure respect and support for the rights of all persons who exercise the right to freedom of opinion and expression, the rights to freedom of thought, conscience and religion, peaceful assembly and association and the right to take part in the conduct of public affairs or who seek to promote and defend these rights and freedoms and, where any persons have been detained, subjected to violence or threats of violence or to harassment, including persecution and intimidation, solely for exercising these rights as laid down in the Universal Declaration of Human Rights, the International Covenant on

Civil and Political Rights and other relevant human rights instruments, to take the appropriate steps to ensure the immediate cessation of these acts and to create conditions under which these acts may be less liable to occur;

(b) To ensure that persons seeking to exercise these rights and freedoms are not discriminated against, particularly in such areas as employment, housing and social services, and in this context to pay particular attention to the situation of women;

(c) To cooperate with and assist the Special Rapporteur in the performance of his tasks and to provide all information necessary in order to permit him fully to carry out his mandate;

9. Invites once again the working groups, representatives and special rapporteurs of the Commission on Human Rights to pay attention, within the framework of their mandates, to the situation of persons detained, subjected to violence, ill-treated or discriminated against for having exercised the right to freedom of opinion and expression as affirmed in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and other relevant human rights instruments;

10. Invites the working groups, representatives and special rapporteurs of the Commission on Human Rights, within their mandates, to take note of any deterioration in the right to freedom of expression;

11. Invites relevant United Nations bodies, mechanisms and procedures of the Commission on Human Rights, the Committee on the Elimination of Discrimination against Women and independent expert bodies, within their mandates, further to examine violations of the right to freedom of opinion and expression from a gender perspective, in cooperation with the Commission on the Status of Women;

12. Invites the Special Rapporteur, within the framework of his mandate:

(a) To draw the attention of the United Nations High Commissioner for Human Rights to those situations and cases regarding freedom of opinion and expression which are of particularly serious concern to the Special Rapporteur, and encourages the High Commissioner, within his mandate, to take into account reports in this regard in the context of his activities to promote and protect human rights, with a view to preventing the occurrence and recurrence of human rights violations;

(b) In cooperation with the Special Rapporteur on violence against women, to continue to pay particular attention to the situation of women and the relationship between the effective promotion and protection of the right to freedom of opinion and expression and incidents of discrimination based on sex, creating obstacles for women with regard to their right to seek, receive and impart information, and to consider how these obstacles impede the ability of women to make informed choices in areas of particular importance to them, as well as in areas related to the general decision-making processes in the societies in which they live;

(c) To continue his efforts to cooperate with other special rapporteurs, special representatives, independent experts, working groups and other United Nations mechanisms and procedures in the field of human rights;

(d) To develop further his commentary on the right to seek and receive information and to expand on his observations and recommendations arising from communications;

(e) To continue to bear in mind the need to be able to respond effectively to credible and reliable information that comes before him, and invites him to continue to seek the views and comments of the Governments and others concerned in the elaboration of his report, as well as to continue to carry out his work with discretion and independence;

(f) To consider, in his next report, all aspects of the impact that the availability of new information technology may have on the equality of opportunity of access to information and on the exercise of the right to freedom of expression as set out in the International Covenant on Civil and Political Rights;

13. Requests the Special Rapporteur to submit to the Commission at its fifty-fourth session a report covering activities relating to his mandate and decides to continue its consideration of this question at that session.

57th meeting
11 April 1997
[Adopted without a vote. See chap. VIII.]

1997/28. Hostage-taking

The Commission on Human Rights,

Recalling the Universal Declaration of Human Rights, which guarantees the right to life, liberty and security of person, freedom from torture or degrading treatment, freedom of movement and protection from arbitrary detention,

Taking into account the International Convention against the Taking of Hostages, adopted by the General Assembly in its resolution 34/146 of 17 December 1979, which also recognizes that everyone has the right to life, liberty and security of person and that the taking of hostages is an offence of grave concern to the international community, as well as the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly in its resolution 3166 (XXVIII) of 14 December 1973,

Bearing in mind the pertinent Security Council resolutions condemning all cases of hostage-taking, as well as the statement to the press made by its President on 19 December 1996, condemning the taking of hostages by terrorist elements, *Recalling* its resolution 1996/62 and other previous resolutions on the subject, in particular its resolution 1992/23 of 28 February 1992, in which it condemned the taking of any person as hostage,

Deeply concerned that, despite the efforts of the international community, acts of hostage-taking, in different forms and manifestations, including, *inter alia*, those committed by terrorists and armed groups, have increased in many regions of the world,

Expressing its outrage at the continuing manifestations of brutality and violence in connection with hostage-taking, including the killing of innocent people and their use as human shields,

Especially alarmed at the taking hostage of women and children, expressing its distress at the violence committed against innocent victims, and sharing the anxiety and suffering of the families concerned,

Appealing for the humanitarian action of the International Committee of the Red Cross and its delegates to be respected, in accordance with the Geneva Conventions of 1949 and the Additional Protocols thereto,

Recognizing that hostage-taking calls for resolute, firm and concerted efforts on the part of the international community in order, in strict conformity with international human rights standards, to bring such abhorrent practices to an end,

1. *Reaffirms* that hostage-taking, wherever and by whomever committed, is an illegal act aimed at the destruction of human rights and is, under any circumstances, unjustifiable;

2. *Strongly condemns* all acts of hostage-taking, anywhere in the world;

3. *Demands* that all hostages be released immediately and without any preconditions;

4. *Calls upon* States to take all necessary measures, in accordance with relevant provisions of international law and international human rights standards, to prevent, combat and punish acts of hostage-taking, including by strengthening international cooperation in this field;

5. *Invites* relevant non-governmental organizations to join States in condemning acts of hostage-taking;

6. *Urges* all thematic special rapporteurs and working groups to address, as appropriate, the consequences of hostage-taking in their forthcoming reports to the Commission;

7. Decides to consider this question at its fifty-fourth session under the same agenda item.

57th meeting
11 April 1997
[Adopted without a vote. See chap. VIII.]

1997/29. The right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, other relevant human rights instruments and the Vienna Declaration and Programme of Action,

Reaffirming that, pursuant to internationally proclaimed human rights principles, victims of grave violations of human rights should receive, in appropriate cases, restitution, compensation and rehabilitation,

Considering that the question of restitution, compensation and rehabilitation of victims of grave violations of human rights and fundamental freedoms has received insufficient attention and should continue to be addressed in a more systematic and thorough way at the national and international levels,

Noting with interest the positive experience of countries that have established policies and adopted legislation for the reparation of victims of grave violations of human rights,

Reiterating its appreciation of the study on the subject prepared by the former Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Mr. Theo van Boven, contained in his final report (E/CN.4/Sub.2/1993/8),

Recalling its resolution 1994/35 of 4 March 1994, in which it expressed the hope that priority attention would be given to this question, in particular in the specific field of violations of human rights and fundamental freedoms, and regarded the proposed basic principles and guidelines contained in the study of the Special Rapporteur as a useful basis for that purpose,

Recalling also its resolution 1996/35 of 19 April 1996, in which it requested States to provide information to the Secretary-General about legislation already adopted, as well as that in the process of being adopted, relating to the right to restitution, compensation and rehabilitation,

Taking note of the report of the Secretary-General submitted to the Commission in compliance with its resolution 1996/35 (E/CN.4/1997/29 and Add.1), Also taking note of resolution 1996/28 of 29 August 1996 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in which the Sub-Commission decided to bring to the attention of the Commission on Human Rights the revised draft basic principles and guidelines on the right to reparation for victims of [gross] violations of human rights and international humanitarian law prepared by the former Special Rapporteur, Mr. Theo van Boven,

1. Calls once more upon the international community to give due attention to the right to restitution, compensation and rehabilitation for victims of grave violations of human rights;

2. Expresses its appreciation to States that provided information on the matter to the Secretary-General, in compliance with Commission resolution 1996/35, for their valuable contribution in this field and requests those that have not yet done so to provide information to the Secretary-General as soon as possible on the legislation already adopted, as well as that in the process of being adopted, relating to the right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms;

3. Expresses its appreciation to the Secretary-General for his report and requests him to prepare an additional report on the basis of the replies he receives from States for submission to the Commission on Human Rights at its fifty-fifth session;

4. Invites the Secretary-General to request all States to submit their views and comments on the note and revised draft basic principles and guidelines on the right to reparation for victims of [gross] violations of human rights and international humanitarian law contained in document E/CN.4/1997/104, and to prepare a report setting out such views and comments for submission to the Commission on Human Rights at its fifty-fourth session;

5. Decides to continue to examine this question at its fifty-fourth session under the agenda item entitled "Question of the human rights of all persons subjected to any form of detention or imprisonment".

57th meeting
11 April 1997
[Adopted without a vote. See chap. VIII.]

1997/30. A permanent forum for indigenous people in the United Nations system

The Commission on Human Rights,

Recalling the recommendations pertaining to indigenous people included in the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights (A/CONF.157/23), in particular the recommendation that the establishment of a permanent forum for indigenous people in the United Nations system should be considered, _Recalling also_ the recommendations of the United Nations Conference on Environment and Development to involve indigenous people and their communities in the United Nations programmes of environment and development as stated in article 22 of the Rio Declaration on Environment and Development and chapter 26 of Agenda 21,

Recalling further that the programme of activities for the International Decade of the World's Indigenous People adopted by the General Assembly in its resolution 50/157 of 21 December 1995 recognizes among the important objectives of the Decade that consideration should be given to the establishment of a permanent forum for indigenous people in the United Nations system,

Bearing in mind its previous resolutions 1994/28 of 4 March 1994, 1995/30 of 3 March 1995 and 1996/41 of 19 April 1996, as well as General Assembly resolutions 49/214 of 23 December 1994, 50/157 of 21 December 1995 and 51/78 of 12 December 1996,

1. _Welcomes_ the Secretary-General's review of the existing mechanisms, procedures and programmes within the United Nations concerning indigenous people (A/51/493);

2. _Takes note_ of the recommendation of the General Assembly in its resolution 50/157 that the Commission on Human Rights, drawing on the results of the Copenhagen workshop (E/CN.4/Sub.2/AC.4/1995/7 and Add.1-3) and the Secretary-General's review, consider the convening of a second workshop on the possible establishment of a permanent forum for indigenous people;

3. _Welcomes_ the offer of the Government of Chile to host such a workshop;

4. _Requests_ the High Commissioner/Centre for Human Rights to convene the second workshop for a period of three days prior to the fifteenth session of the Working Group on Indigenous Populations, in accordance with established United Nations practice and with the participation of representatives of Governments, organizations of indigenous people, non-governmental organizations and United Nations bodies, organizations and specialized agencies and with, _inter alia_, the results of the Copenhagen workshop and the Secretary-General's review as the basis for discussions;

5. _Recognizes_ the importance, in the light of the Secretary-General's review, of the participation of relevant United Nations bodies, organizations and specialized agencies as well as representatives of organizations of indigenous people in the workshop and in any further consultations on the matter;

6. _Takes note_ of the decision of the Coordinator of the International Decade of the World's Indigenous People to contribute to the holding of the second workshop through a contribution from the Voluntary Fund for the International Decade, in line with the recommendation of the Advisory Group for the Voluntary Fund at its April 1996 meeting;

7. Requests the High Commissioner/Centre for Human Rights to transmit the report of the workshop to the Working Group on Indigenous Populations at its fifteenth session, inviting the Working Group to express its views, and to submit the report, together with any comments arising from the discussions in the Working Group, to the Commission on Human Rights at its fifty-fourth session;

8. Also requests the High Commissioner/Centre for Human Rights to transmit the report of the workshop to Governments, relevant United Nations bodies, organizations and specialized agencies, and indigenous organizations for their comments, and to submit the comments received in a report to the Commission at its fifty-fourth session;

9. Decides to continue its consideration of this matter at its fifty-fourth session under the agenda item entitled "Indigenous issues".

57th meeting
11 April 1997
[Adopted without a vote. See chap. XXIV.]

1997/31. Working group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of General Assembly resolution 49/214 of 23 December 1994

The Commission on Human Rights,

Bearing in mind General Assembly resolution 47/75 of 14 December 1992 and Part II, paragraph 28, of the Vienna Declaration and Programme of Action (A/CONF.157/23),

Reaffirming its resolution 1995/32 of 3 March 1995, in which it established an open-ended inter-sessional working group with the sole purpose of elaborating a draft declaration, considering the draft contained in the annex to resolution 1994/45 of 26 August 1994 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, entitled "Draft United Nations declaration on the rights of indigenous peoples", for consideration and adoption by the General Assembly within the International Decade of the World's Indigenous People,

Reaffirming in particular that the invitation contained in that resolution was addressed to organizations of indigenous people seeking authorization to participate in the working group,

Recognizing that organizations of indigenous people have special knowledge and understanding of the current situation of the world's indigenous people and their human rights needs,

Recalling General Assembly resolution 49/214 of 23 December 1994, in which the Assembly encouraged the Commission to consider the draft declaration with the participation of representatives of indigenous people, on the basis of and in accordance with appropriate procedures to be determined by the Commission,

Welcoming the progress made in the process of drafting a declaration on the rights of indigenous people, and emphasizing the importance and special nature of such a draft declaration as an instrument specifically for promoting the rights of indigenous people,

Recalling the need for the working group to consider all aspects of the draft declaration, including its scope of application,

1. Takes note of the report of the working group (E/CN.4/1997/102), and welcomes the continuation and positive nature of the deliberations of the working group, particularly the measures taken to ensure effective input by organizations of indigenous people;

2. Expresses its appreciation for the work of the Economic and Social Council in considering applications from organizations of indigenous people to participate in the working group under the procedures set out in the annex to Commission resolution 1995/32;

3. Welcomes the decisions of the Economic and Social Council approving the participation of organizations of indigenous people in the work of the working group, and urges the Council to process all pending applications as soon as possible, taking strictly into account the procedures set out in the annex to Commission resolution 1995/32;

4. Recommends that the working group meet for 10 working days prior to the fifty-fourth session of the Commission, the cost of the meeting to be met from within existing resources;

5. Encourages organizations of indigenous people which are not already registered to participate in the working group and which wish to do so to apply for authorization in accordance with the procedures set out in the annex to Commission resolution 1995/32;

6. Requests the working group to submit a progress report for consideration by the Commission at its fifty-fourth session under the agenda item entitled "Indigenous issues";

7. Recommends the following draft resolution to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. A, draft resolution II.]

57th meeting
11 April 1997
[Adopted without a vote. See chap. XXIV.]

1997/32. Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the International Decade of the World's Indigenous People

The Commission on Human Rights,

Conscious that, in various situations, indigenous people are unable to enjoy their inalienable human rights and fundamental freedoms, determined to do everything possible to promote the enjoyment of the human rights and fundamental freedoms of indigenous people, and bearing in mind that international standards must be developed on the basis of the diverse situations and aspirations of the world's indigenous people,

Bearing in mind that one of the purposes of the United Nations, as set forth in the Charter, is the achievement of international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Affirming its recognition of the value and diversity of the cultures and forms of social organization of indigenous people, and that the development of indigenous people within their countries will contribute to the socio-economic, cultural and environmental advancement of all the countries of the world,

Recalling that the goal of the International Decade of the World's Indigenous People is to strengthen international cooperation for the solution of problems faced by indigenous people in such areas as human rights, the environment, development, education and health, and that the theme of the Decade is "Indigenous people: partnership in action",

Recognizing the importance of consultation and cooperation with indigenous people in planning and implementing the programme of activities for the Decade, the need for adequate financial support from the international community, including support from within the United Nations and the specialized agencies, and the need for adequate coordination and communication channels,

Recalling also Economic and Social Council resolution 1982/34 of 7 May 1982, in which the Council authorized the Sub-Commission on Prevention of Discrimination and Protection of Minorities to establish annually a working group on indigenous populations with the mandate to review developments pertaining to the promotion and protection of the human rights and fundamental freedoms of indigenous people, giving special attention to the evolution of standards concerning the rights of indigenous people,

I

Report of the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

1. *Takes note* of the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its forty-eighth session (E/CN.4/1997/2-E/CN.4/Sub.2/1996/41) and of the report of the Working Group on its fourteenth session (E/CN.4/Sub.2/1996/21 and Corr.1);

2. *Urges* the Working Group to continue its comprehensive review of developments and of the diverse situations and aspirations of the world's indigenous people, and welcomes its proposal to highlight specific themes of the International Decade of the World's Indigenous People at its future sessions;

3. *Invites* the Working Group to take into account in its deliberations on developments pertaining to the promotion and protection of the human rights of indigenous people the work, within the framework of their respective mandates, of all thematic special rapporteurs, special representatives, independent experts, working groups and expert seminars as it pertains to the situation of indigenous people;

4. *Recommends* to the Economic and Social Council that the Working Group be authorized to meet for five working days prior to the forty-ninth session of the Sub-Commission;

5. *Invites* the Working Group to continue its consideration as to whether there are ways in which the contribution of expertise from indigenous people to the work of the Working Group might be enhanced, and encourages all the initiatives that can be taken by Governments, organizations of indigenous people and non-governmental organizations to ensure the full participation of indigenous people in the activities related to the tasks of the Working Group;

6. *Takes note* of paragraph 6 of Sub-Commission resolution 1996/31 of 29 August 1996 regarding the working paper on the concept of indigenous people prepared by the Chairperson-Rapporteur of the Working Group (E/CN.4/Sub.2/AC.4/1996/2);

7. *Requests* the Secretary-General:

(a) To provide adequate resources and assistance to the Working Group in the discharge of its tasks, including adequate dissemination of information about the activities of the Working Group to Governments, specialized agencies, non-governmental organizations and organizations of indigenous people, in order to encourage the widest possible participation in its work;

(b) To transmit the reports of the Working Group to Governments, organizations of indigenous people and intergovernmental and non-governmental organizations, as soon as possible, for specific comments and suggestions;

8. Appeals to all Governments, organizations and individuals in a position to do so to consider contributing to the United Nations Voluntary Fund for Indigenous Populations;

II

International Decade of the World's Indigenous People

9. Takes note of the report of the United Nations High Commissioner for Human Rights (E/CN.4/1997/101);

10. Invites the Working Group on Indigenous Populations to continue its review of activities undertaken during the International Decade of the World's Indigenous People, and encourages Governments and intergovernmental and non-governmental organizations to provide information on the implementation of the goals of the Decade, in accordance with paragraph 16 of the annex to General Assembly resolution 50/157 of 21 December 1995;

11. Welcomes the affirmation by the General Assembly that a major objective of the Decade is the adoption of a declaration on the rights of indigenous people and its recognition that among the important objectives of the Decade is the consideration of the possible establishment of a permanent forum for indigenous people in the United Nations system;

12. Recommends that the High Commissioner for Human Rights assume responsibility for coordination of the Decade;

13. Requests the High Commissioner for Human Rights to consider organizing, taking into account the United Nations Decade for Human Rights Education and recognizing the importance of strengthening the capacity of indigenous people to develop their own solutions to their problems, a workshop for research and higher education institutions focusing on indigenous issues in education, to improve exchange of information between such institutions and to encourage future cooperation, in consultation with indigenous people and in collaboration with the United Nations Educational, Scientific and Cultural Organization and other relevant United Nations bodies;

14. Requests the High Commissioner for Human Rights, noting the request by the General Assembly to the Secretary-General to produce an annual report reviewing activities within the United Nations system under the programme of activities for the Decade, to submit an update of this report to the Commission on Human Rights at its fifty-fourth session under the agenda item entitled "Indigenous issues";

15. Emphasizes the important role of international cooperation in promoting the goals and activities of the Decade and the rights, well-being and sustainable development of indigenous people;

16. Encourages Governments to support the Decade by contributing to the Voluntary Fund for the Decade;

17. Also encourages Governments, as appropriate, recognizing the importance of action at the national level for the implementation of the goals and activities of the Decade, to support the Decade, in consultation with indigenous people, by:

(a) Preparing relevant programmes, plans and reports in relation to the Decade and establishing national committees or other mechanisms involving indigenous people to ensure that the objectives and activities of the Decade are planned and implemented on the basis of full partnership with indigenous people;

(b) Seeking means of giving indigenous people greater responsibility for their own affairs and an effective voice in decisions on matters which affect them;

(c) Identifying resources for activities designed to implement the goals of the Decade;

18. Appeals to intergovernmental and non-governmental organizations to support the Decade by identifying resources for activities designed to implement the goals of the Decade, in cooperation with indigenous people;

19. Encourages Governments to consider contributing, as appropriate, in support of the achievement of the goals of the Decade, to the Fund for the Development of Indigenous Peoples of Latin America and the Caribbean;

20. Recommends that the High Commissioner for Human Rights, when developing programmes within the framework of the International Decade of the World's Indigenous People and the United Nations Decade for Human Rights Education, give due regard to the development of human rights training for indigenous people;

21. Encourages the High Commissioner for Human Rights to cooperate with the Department of Public Information in preparing and disseminating information on the International Decade of the World's Indigenous People, taking due care to portray accurately the information regarding indigenous people;

22. Invites the United Nations financial and development institutions, operational programmes and specialized agencies, in accordance with the existing procedures of their governing bodies:

(a) To give increased priority and resources to improving the conditions of indigenous people, with particular emphasis on the needs of these people in developing countries, including through the preparation of specific programmes of action for the implementation of the goals of the Decade, within their areas of competence;

(b) To launch special projects, through appropriate channels and in collaboration with indigenous people, for strengthening their community-level initiatives, and to facilitate the exchange of information and expertise among indigenous people and other relevant experts;

(c) To designate focal points or other mechanisms for coordination with the High Commissioner/Centre for Human Rights of activities relating to the Decade;

23. Decides to consider the International Decade of the World's Indigenous People at its fifty-fourth session under the agenda item entitled "Indigenous issues".

57th meeting
11 April 1997
[Adopted without a vote. See chap. XXIV.]

1997/33. The protection of human rights in the context of the human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS)

The Commission on Human Rights,

Recalling its resolution 1996/43 of 19 April 1996 and other relevant resolutions and decisions adopted by organizations of the United Nations system, as well as by other competent forums,

Emphasizing, in view of the continuing challenges presented by HIV/AIDS, the need for intensified efforts to ensure universal respect for and observance of human rights and fundamental freedoms for all, to reduce vulnerability to HIV/AIDS and to prevent HIV/AIDS-related discrimination and stigma,

Welcoming the report of the Secretary-General on the Second International Consultation on HIV/AIDS and Human Rights (E/CN.4/1997/37), which presents the outcome of the Consultation, including the Guidelines recommended by the expert participants for States on the promotion and protection of fundamental rights and freedoms in the context of HIV/AIDS, and strategies for their dissemination and implementation,

1. Invites all States to consider the Guidelines recommended by the experts who participated in the Second International Consultation on HIV/AIDS and Human Rights, as contained in document E/CN.4/1997/37 and summarized in the annex to the present resolution;

2. Calls upon the United Nations High Commissioner for Human Rights, the Joint United Nations Programme on HIV/AIDS (UNAIDS), its co-sponsors and other partners to provide technical cooperation to States, upon the request of Governments when required, from within existing resources, for the promotion and protection of human rights in the context of HIV/AIDS;

3. Requests the Secretary-General to solicit the opinion of Governments, specialized agencies and international and non-governmental organizations and to prepare for consideration by the Commission at its fifty-fifth session a progress report on the follow-up to the present resolution.

Annex

Guideline 1: States should establish an effective national framework for their response to HIV/AIDS which ensures a coordinated, participatory, transparent and accountable approach, integrating HIV/AIDS policy and programme responsibilities across all branches of government.

Guideline 2: States should ensure, through political and financial support, that community consultation occurs in all phases of HIV/AIDS policy design, programme implementation and evaluation and that community organizations are enabled to carry out their activities, including in the field of ethics, law and human rights, effectively.

Guideline 3: States should review and reform public health laws to ensure that they adequately address public health issues raised by HIV/AIDS, that their provisions applicable to casually transmitted diseases are not inappropriately applied to HIV/AIDS and that they are consistent with international human rights obligations.

Guideline 4: States should review and reform criminal laws and correctional systems to ensure that they are consistent with international human rights obligations and are not misused in the context of HIV/AIDS or targeted against vulnerable groups.

Guideline 5: States should enact or strengthen anti-discrimination and other protective laws that protect vulnerable groups, people living with HIV/AIDS and people with disabilities from discrimination in both the public and private sectors, ensure privacy and confidentiality and ethics in research involving human subjects, emphasize education and conciliation, and provide for speedy and effective administrative and civil remedies.

Guideline 6: States should enact legislation to provide for the regulation of HIV-related goods, services and information, so as to ensure widespread availability of qualitative prevention measures and services, adequate HIV prevention and care information and safe and effective medication at an affordable price.

Guideline 7: States should implement and support legal support services that will educate people affected by HIV/AIDS about their rights, provide free legal services to enforce those rights, develop expertise on HIV-related legal issues and utilize means of protection in addition to the courts, such as offices of ministries of justice, ombudsmen, health complaint units and human rights commissions.

Guideline 8: States, in collaboration with and through the community, should promote a supportive and enabling environment for women, children and other vulnerable groups by addressing underlying prejudices and inequalities through community dialogue, specially designed social and health services and support to community groups.

Guideline 9: States should promote the wide and ongoing distribution of creative education, training and media programmes explicitly designed to change attitudes of discrimination and stigmatization associated with HIV/AIDS to understanding and acceptance.

Guideline 10: States should ensure that government and private sectors develop codes of conduct regarding HIV/AIDS issues that translate human rights principles into codes of professional responsibility and practice, with accompanying mechanisms to implement and enforce those codes.

Guideline 11: States should ensure monitoring and enforcement mechanisms to guarantee the protection of HIV-related human rights, including those of people living with HIV/AIDS, their families and communities.

Guideline 12: States should cooperate through all relevant programmes and agencies of the United Nations system, including the Joint United Nations Programme on HIV/AIDS, to share knowledge and experience concerning HIV-related human rights issues and should ensure effective mechanisms to protect human rights in the context of HIV/AIDS at the international level.

57th meeting
11 April 1997
[Adopted without a vote. See chap. IX.]

1997/34. Regional arrangements for the promotion and protection of human rights

The Commission on Human Rights,

Recalling the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in June 1993 (A/CONF.157/23) which reiterated, inter alia, the need to consider the possibility of establishing regional and subregional arrangements for the promotion and protection of human rights where they do not already exist,

Recalling General Assembly resolution 32/127 of 16 December 1977 and all subsequent resolutions of the Assembly concerning regional arrangements for the promotion and protection of human rights,

Recalling also Commission on Human Rights resolution 1995/46 of 3 March 1995,

Reaffirming that regional arrangements play a fundamental role in promoting and protecting human rights and should reinforce universal human rights standards, as contained in international human rights instruments, and their protection,

Recalling that the World Conference recommended that more resources should be made available for the strengthening or the establishment of regional arrangements for the promotion and protection of human rights under the programme of advisory services and technical assistance of the Centre for Human Rights, Supporting the efforts made by the United Nations, the specialized agencies and regional intergovernmental organizations in order to promote and protect human rights at the regional level,

Noting the growing exchanges between the United Nations and the bodies created by the United Nations in accordance with the treaties dealing with human rights, on the one hand, and regional intergovernmental organizations, on the other, in order to promote the mutual exchange of information and the conclusion of regional arrangements for the promotion and protection of human rights,

Having considered the report of the Secretary-General (E/CN.4/1997/35),

1. Takes note of the report of the Secretary-General;

2. Welcomes the continuing cooperation and assistance of the High Commissioner/Centre for Human Rights in the further strengthening of the existing regional arrangements and regional machinery for the promotion and protection of human rights, in particular with regard to advisory services and technical assistance, public information and education, with a view to exchanging information and experience in the field of human rights;

3. Also welcomes, in that respect, the close cooperation of the High Commissioner/Centre for Human Rights in the organization of regional and subregional training courses and workshops in the field of human rights, high-level government expert meetings and a regional conference of national human rights institutions, aimed at creating greater understanding of the promotion and protection of human rights issues in the regions, improving procedures and examining the various systems for the promotion and protection of universally accepted human rights standards and at identifying obstacles to ratification of the principal international human rights treaties and strategies to overcome them;

4. Stresses the importance of the programme of advisory services in the field of human rights and renews its appeal to all Governments to consider making use of the possibilities offered by the United Nations, under this programme, of organizing information or training courses at the national level for government personnel on the application of international human rights standards and the experience of relevant international bodies, and notes with satisfaction, in that respect, the establishment of technical cooperation projects with several Governments of the Asian and Pacific region;

5. Requests the Secretary-General, as foreseen in programme 35 (Promotion and protection of human rights) of the Medium-term plan for the period 1992-1997, to continue to strengthen exchanges between the United Nations and regional intergovernmental organizations dealing with human rights;

6. Welcomes the growing exchanges between the High Commissioner/Centre for Human Rights and several regional intergovernmental organizations as well as between the bodies created by the United Nations in accordance with the treaties dealing with human rights and the regional mechanisms for protection of human rights;

7. Invites States in areas where regional arrangements in the field of human rights do not yet exist to consider concluding agreements with a view to the establishment within their respective regions of suitable regional machinery for the promotion and protection of human rights;

8. Requests the High Commissioner/Centre for Human Rights to continue to pay special attention to the most appropriate ways of assisting, at their request, countries of the different regions under the programme of advisory services and to make, where necessary, relevant recommendations;

9. Invites the Secretary-General, in the report he will present to the General Assembly at its fifty-third session, to provide information about the progress made since the adoption of the Vienna Declaration and Programme of Action on reinforcing the exchange of information and extending collaboration between the organs of the United Nations dealing with human rights and regional organizations in the field of the promotion and protection of human rights;

10. Requests the Secretary-General to submit to it at its fifty-fifth session a report on the state of regional arrangements for the promotion and protection of human rights, to formulate concrete proposals and recommendations on ways and means to strengthen cooperation between the United Nations and regional arrangements in the field of human rights and to include therein the results of action taken in pursuance of the present resolution;

11. Decides to consider this question further at its fifty-fifth session.

57th meeting
11 April 1997
[Adopted without a vote. See chap. IX.]

1997/35. Preparations for the fiftieth anniversary of the Universal Declaration of Human Rights

The Commission on Human Rights,

Recalling that the General Assembly, in adopting the Universal Declaration of Human Rights on 10 December 1948, recognized the inherent dignity and the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world,

Considering that the fiftieth anniversary of the Universal Declaration provides an opportunity for the United Nations and Member States to redouble their efforts to promote awareness and strengthened observance of the rights set out in the Declaration,

Recognizing the Declaration as the source of inspiration and the basis of the subsequent progress in the field of human rights, and taking note of the improvements in the field of human rights during the past five decades owing to national and international solidarity and efforts, Concerned that the international human rights standards are not fully and universally respected and that human rights continue to be violated in all parts of the world, and that people still suffer misery and are deprived of the full enjoyment of their civil, cultural, economic, political and social rights,

Convinced of the necessity of respecting human rights and fundamental freedoms and determined that new steps should be taken, nationally and with the increased cooperation and solidarity of the international community, with a view to achieving substantial progress in human rights,

Recalling the significance and the message of the Vienna Declaration and Programme of Action (A/CONF.157/23), which emphasizes that all human rights are universal, indivisible, interdependent and interrelated and that democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing,

Stressing the importance of ensuring the full integration of the human rights of women into all preparations for and celebrations of the fiftieth anniversary of the Universal Declaration of Human Rights,

Recognizing the fundamental importance of tolerance as an essential element in promoting a culture conducive to the acceptance of diversity and pluralism, and thereby to the fuller enjoyment of human rights,

Mindful that everyone is entitled to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights can be fully realized,

Convinced that, in the light of the existing level of standard-setting in the field of human rights, the primordial task of the United Nations at present is to promote universal accession to the existing international instruments and better implementation of them by all the States parties,

Welcoming the international and national initiatives already undertaken in the context of the fiftieth anniversary of the Universal Declaration of Human Rights, and commending the efforts of individuals in all regions of the world to promote the Universal Declaration,

1. Requests the United Nations High Commissioner for Human Rights to continue to coordinate within the United Nations system the preparations for the fiftieth anniversary of the Universal Declaration of Human Rights, bearing in mind the provisions of the Vienna Declaration and Programme of Action for evaluation and follow-up;

2. Invites Governments to review and assess progress made in the field of human rights since the adoption of the Universal Declaration, to identify obstacles to progress in this area and ways in which they can be overcome, and to undertake additional efforts to develop programmes of education and information, with a view to disseminating the text and arriving at a better understanding of the universal message of the Declaration;

3. Also invites Governments to undertake, in the context of the fiftieth anniversary of the Universal Declaration of Human Rights, national programmes for its celebration and to ensure wide participation, including by the public administration, national institutions, non-governmental organizations, academic circles and all elements of civil society;

4. Welcomes the proposal by the Government of Angola to host in 1998 the Organization of African Unity Member States Ministerial Conference on Human Rights in Africa, in the context of the fiftieth anniversary of the Universal Declaration of Human Rights, pursuant to resolution 1673 (LXIV) adopted by the Council of Ministers of the Organization of African Unity at its sixty-fourth ordinary session, and requests the Secretary-General of the United Nations to consider favourably requests from the General Secretariat of the Organization of African Unity or the host country relating to the organization of the Conference.

5. Emphasizes in this regard the primary importance of grass-roots initiatives in promoting, through education and the media, a human rights culture, and encourages all actors to pursue further activities, including the exchange of experiences on the promotion of human rights;

6. Urges those Governments that have not yet ratified the main human rights instruments that are based on the Universal Declaration of Human Rights to consider doing so, and calls upon all Governments to implement fully their international obligations in the field of human rights;

7. Invites the human rights treaty bodies to give appropriate attention, within their mandates and methods of work, to the fiftieth anniversary of the Universal Declaration of Human Rights and to reflect on how they might contribute to the preparations;

8. Urges the High Commissioner/Centre for Human Rights and the Department of Public Information to cooperate closely in the implementation of information activities leading up to and during the fiftieth anniversary of the Universal Declaration of Human Rights;

9. Calls upon relevant United Nations organs and agencies, in the light of the principles set forth in the Universal Declaration of Human Rights, to make, within their respective mandates and fields of action, an assessment of, and to put forward pertinent conclusions on, the state of implementation and the impact of existing international human rights instruments;

10. Invites relevant United Nations organs and agencies, in coordination with the High Commissioner for Human Rights, to mark the anniversary by intensifying their own contributions to United Nations system-wide efforts to promote and protect human rights;

11. Encourages national institutions, such as human rights commissions, ombudsmen and others, to play a prominent role in the activities marking the fiftieth anniversary, and to give due regard to this issue at the next international workshop of national institutions;

12. Invites non-governmental organizations to participate fully in the preparations for the fiftieth anniversary of the Universal Declaration of Human Rights, to intensify their campaign for greater understanding and better use of the Declaration, and to communicate their observations and recommendations to Governments, national institutions, regional organizations and the High Commissioner for Human Rights;

13. Decides to review at its fifty-fourth session the state of the preparations for the fiftieth anniversary of the Universal Declaration of Human Rights and to give the matter attention commensurate with its historical significance.

57th meeting
11 April 1997
[Adopted without a vote. See chap. IX.]

1997/36. Human rights and arbitrary deprivation of nationality

The Commission on Human Rights,

Reaffirming article 15 of the Universal Declaration of Human Rights, in accordance with which everyone has the right to a nationality and no one shall be arbitrarily deprived of his nationality,

Recalling the provisions of other international human rights instruments, including article 5, paragraph (d) (iii), of the International Convention on the Elimination of All Forms of Racial Discrimination, article 24, paragraph 3, of the International Covenant on Civil and Political Rights and articles 7 and 8 of the Convention on the Rights of the Child,

Stressing that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis, as reaffirmed in the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in June 1993 (A/CONF.157/23),

Expressing its deep concern at the arbitrary deprivation of persons or groups of persons of their nationality, especially on racial, national, ethnic or religious grounds,

Mindful of the endorsement by the General Assembly, in its resolution 41/70 of 3 December 1986, of the call upon all States to promote human rights and fundamental freedoms and to refrain from denying these to individuals in their populations because of nationality, ethnicity, race, religion or language,

1. Reaffirms the importance of the right to nationality of every human person as an inalienable human right;

2. Recognizes that arbitrary deprivation of nationality on racial, national, ethnic or religious grounds is a violation of human rights and fundamental freedoms;

3. Calls upon all States to refrain from taking measures and from enacting legislation that discriminates against persons or groups of persons on grounds of race, colour or national or ethnic origin by nullifying or impairing the exercise, on an equal footing, of their right to nationality, and to repeal such legislation if it already exists;

4. Urges the appropriate mechanisms of the Commission on Human Rights and the pertinent United Nations treaty bodies to collect information on this question from all relevant sources and to take account of such information, together with any recommendations thereon, in their reports;

5. Requests the Secretary-General to transmit the present resolution to Governments, intergovernmental and non-governmental organizations and the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and to request their views thereon;

6. Decides to remain seized of this matter.

57th meeting
11 April 1997
[Adopted without a vote. See chap. IX.]

1997/37. Human rights and thematic procedures

The Commission on Human Rights,

Considering that thematic procedures established by the Commission with regard to the consideration of questions relating to the promotion and protection of all human rights have an important role among its human rights monitoring mechanisms,

Noting with satisfaction that an increasing number of Governments, as well as non-governmental organizations, have developed a working relationship with the thematic procedures,

Recalling all its resolutions on human rights and thematic procedures,

Recalling also recommendations concerning thematic procedures contained in the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights (A/CONF.157/23),

Noting that some human rights violations are specific to or primarily directed against women, and that the identification and reporting of these violations demand specific awareness and sensitivity,

1. Commends those Governments that have invited the thematic special rapporteurs or working groups to visit their countries and that have developed other forms of intensive cooperation with the thematic procedures;

2. *Encourages* all Governments to:

(a) Cooperate more closely with the Commission through the pertinent thematic procedures;

(b) Respond expeditiously to requests for information made to them through the thematic procedures so that the procedures may carry out their mandates effectively and, where appropriate, invite a thematic special rapporteur or working group to visit their countries;

(c) Consider follow-up visits designed to assist them with effective implementation of recommendations of the thematic special rapporteurs and working groups:

3. *Invites* the Governments concerned to study carefully the recommendations addressed to them under thematic procedures and to keep the relevant mechanisms informed promptly on the progress made towards their implementation;

4. *Invites* non-governmental organizations to continue their cooperation with the thematic procedures, and to ascertain that the material provided falls under the mandate of these procedures and contains the required elements;

5. *Invites* the thematic special rapporteurs and working groups to:

(a) Make recommendations for the avoidance of human rights violations;

(b) Follow closely the progress made by Governments in their investigations carried out within their respective mandates;

(c) Continue close cooperation with relevant treaty bodies and country rapporteurs;

(d) Include in their reports information provided by Governments on follow-up action, as well as their own observations thereon, including in regard to both problems and improvements, as appropriate;

(e) Include regularly in their reports gender-disaggregated data and to address the characteristics and practice of human rights violations under their mandates that are specifically or primarily directed against women, or to which women are particularly vulnerable, in order to ensure the effective protection of their human rights;

6. *Requests* the thematic special rapporteurs and working groups to include in their reports comments on problems of responsiveness and the result of analyses, as appropriate, in order to carry out their mandates even more effectively, and to include also in their reports suggestions as to areas where Governments might request relevant assistance through the programme of advisory services administered by the Centre for Human Rights;

7. *Requests* the Secretary-General, taking note of the recommendations of the meetings of the special rapporteurs, representatives, experts and

chairpersons of working groups, to consider the possibility of convening further periodic meetings of all the thematic special rapporteurs and the chairpersons of working groups of the Commission on Human Rights in order to enable them to continue to exchange views, cooperate and coordinate more closely and make recommendations;

8. Encourages the United Nations High Commissioner for Human Rights to strengthen further cooperation among the thematic special rapporteurs, representatives, experts, members and chairpersons of working groups of the Commission and other relevant United Nations bodies, including the human rights treaty bodies, with a view to promoting greater efficiency and effectiveness through better coordination of the various bodies, mechanisms and procedures, taking into account the need to avoid unnecessary duplication and overlapping of their mandates and tasks;

9. Suggests that the special rapporteurs, representatives, experts and chairpersons of working groups of the special procedures of the Commission on Human Rights consider how these mechanisms can make available information on the particular situation of individuals working for the promotion and protection of all human rights and fundamental freedoms and how their protection could be enhanced, taking into account the ongoing deliberations of the relevant working group of the Commission;

10. Requests the Secretary-General to:

(a) Issue annually and sufficiently early, in close collaboration with the thematic special rapporteurs and working groups, their conclusions and recommendations, so as to enable further discussion of their implementation at subsequent sessions of the Commission;

(b) Present annually a list of all persons currently constituting the thematic and country procedures, including their country of origin, in an annex to the annotations to the provisional agenda of each session of the Commission on Human Rights;

11. Also requests the Secretary-General, in implementing the United Nations budget for the biennium 1998-1999, to ensure the availability of such resources as are necessary for the effective implementation of all thematic mandates, including any additional tasks entrusted to the thematic special rapporteurs and working groups by the Commission.

57th meeting
11 April 1997
[Adopted without a vote. See chap. IX]

1997/38. Torture and other cruel, inhuman or degrading treatment or punishment

The Commission on Human Rights,

Appalled at the widespread occurrence of torture and other cruel, inhuman or degrading treatment or punishment, *Recalling* that freedom from torture is a non-derogable right and that the prohibition of torture is explicitly affirmed in article 5 of the Universal Declaration of Human Rights, article 7 of the International Covenant on Civil and Political Rights, the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as well as in the relevant provisions of other international human rights instruments such as the Convention on the Rights of the Child, the Vienna Declaration and Programme of Action, the Declaration on the Elimination of Violence against Women and the four Geneva Conventions of 1949 for the protection of war victims;

Recalling all relevant resolutions of the General Assembly, the Economic and Social Council and the Commission on Human Rights, in particular Assembly resolution 51/86 of 12 December 1996 and Commission resolution 1996/33 of 19 April 1996;

Mindful that no one should be subjected to torture or to cruel, inhuman or degrading treatment or punishment, that such actions constitute a criminal attempt to destroy a fellow human being physically and mentally, which can never be justified under any circumstances, by any ideology or by any overriding interest, and convinced that a society that tolerates torture can never claim to respect human rights,

1. *Takes note* of the report of the Secretary-General on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (E/CN.4/1997/28);

2. *Urges* all States to become parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment as a matter of priority;

3. *Invites* all States ratifying or acceding to the Convention and those States parties that have not yet done so to make the declaration provided for in articles 21 and 22 of the Convention and to consider the possibility of withdrawing their reservations to article 20;

4. *Encourages* States parties to notify the Secretary-General of their acceptance of the amendments to articles 17 and 18 of the Convention as soon as possible;

5. *Urges* all States parties to comply strictly with their obligations in accordance with article 19 of the Convention, including their reporting obligations, and, in particular, those States parties whose reports are long overdue to submit their reports forthwith;

6. *Calls upon* all Governments to implement fully the prohibition of torture and other cruel, inhuman or degrading treatment or punishment;

7. *Urges* all Governments to promote the speedy and full implementation of the Vienna Declaration and Programme of Action (A/CONF.157/23) and, in particular, of Part II, section B.5, relating to freedom from torture, in which it is stated that States should abrogate

legislation leading to immunity for those responsible for grave violations of human rights such as torture and prosecute such violations, thereby providing a firm basis for the rule of law;

8. *Stresses* that under article 4 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment acts of torture must be made an offence under domestic criminal law and that they are a grave breach of the Geneva Conventions of 1949, with the perpetrators liable to prosecution and punishment;

9. *Reminds* Governments that corporal punishment can amount to cruel, inhuman or degrading punishment or even to torture;

10. *Stresses in particular* that all allegations of torture or cruel, inhuman or degrading treatment or punishment should be promptly and impartially examined by the competent national authority, that those who encourage, order, tolerate or perpetrate such acts must be held responsible and severely punished, including the officials in charge of the place of detention where the prohibited act is found to have taken place, and that national legal systems should ensure that the victims of such acts obtain redress and be awarded fair and adequate compensation and appropriate socio-medical rehabilitation;

11. *Emphasizes* the obligation of States parties under article 10 of the Convention to ensure education and training for personnel who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment, and calls upon the United Nations High Commissioner for Human Rights, in conformity with his mandate established in General Assembly resolution 48/141 of 20 December 1993, to provide, at the request of Governments, advisory services in this regard, as well as technical assistance in the development, production and distribution of appropriate teaching material for this purpose;

12. *Stresses* in this context that States must not punish personnel referred to in the preceding paragraph for not obeying orders to commit acts amounting to torture or other cruel, inhuman or degrading treatment or punishment;

13. *Welcomes* the report of the Committee against Torture on its fifteenth and sixteenth sessions (A/51/44);

14. *Also welcomes* the work of the Committee against Torture and its practice of formulating concluding observations after the consideration of reports, as well as its practice of carrying out inquiries into cases where there are indications of the systematic practice of torture in States parties;

15. *Urges* States parties to take fully into account the conclusions and recommendations made by the Committee at the end of the consideration of their reports;

16. *Requests* the Secretary-General to submit to the Commission an annual report on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

17. Requests the General Assembly, in preparing the fiftieth anniversary of the Universal Declaration of Human Rights, to proclaim 26 June a United Nations international day in support of the victims of torture and the total eradication of torture, and the effective functioning of the Convention against Torture, which entered into force on 26 June 1987;

18. Commends the Special Rapporteur for his work as reflected in his report (E/CN.4/1997/7 and Add.1-3 and Add.3/Corr.1);

19. Stresses again the recommendations of the Special Rapporteur as compiled in document E/CN.4/1995/34;

20. Reminds all States that prolonged incommunicado detention may facilitate the perpetration of torture and can in itself constitute a form of cruel, inhuman or degrading treatment;

21. Invites the Special Rapporteur to continue to examine questions concerning torture directed against women and conditions conducive to such torture, to make appropriate recommendations concerning the prevention and redress of gender-specific forms of torture, and to exchange views with the Special Rapporteur on violence against women with a view to enhancing further their effectiveness and mutual cooperation;

22. Also invites the Special Rapporteur to continue to consider questions relating to the torture of children and conditions conducive to such torture and to make appropriate recommendations concerning the prevention of such torture;

23. Approves the methods of work employed by the Special Rapporteur as set out in his report (E/CN.4/1997/7, annex), in particular with regard to urgent appeals, encourages him to continue to respond effectively to credible and reliable information that comes before him and invites him to continue to seek the views and comments of all concerned, including Governments, in the elaboration of his report;

24. Considers it desirable that the Special Rapporteur continue to exchange views with the relevant human rights mechanisms and bodies, especially the Committee against Torture and the High Commissioner/Centre for Human Rights, in particular with a view to enhancing further their effectiveness and mutual cooperation, while avoiding unnecessary duplication, and that he should pursue cooperation with relevant United Nations programmes, notably that on crime prevention and criminal justice;

25. Calls upon all Governments to cooperate with and assist the Special Rapporteur on the question of torture in the performance of his task, to supply all necessary information requested by him and to react appropriately to his urgent appeals;

26. Urges those Governments that have not yet responded to communications transmitted to them by the Special Rapporteur to answer expeditiously;

27. Encourages all Governments to give serious consideration to inviting the Special Rapporteur to visit their countries, so as to enable him to fulfil his mandate even more effectively;

28. Requests the Special Rapporteur to continue to consider including information in his report on the follow-up by Governments to his recommendations, visits and communications;

29. Invites the Special Rapporteur to submit a report to the Commission at its fifty-fourth session;

30. Takes note of the reports of the Secretary-General on the United Nations Voluntary Fund for Victims of Torture (E/CN.4/1997/27 and Add.1 and A/51/465);

31. Expresses its appreciation to the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture for the work it has accomplished;

32. Expresses its gratitude and appreciation to those Governments, organizations and individuals that have already contributed to the Fund;

33. Appeals to all Governments, organizations and individuals in a position to do so to contribute annually to the Fund, if possible with a substantial increase in the number and level of contributions in order to take into consideration the ever-increasing demand for assistance;

34. Stresses the need for contributions to the Fund on a regular basis and takes note of the request of the Board of Trustees that such contributions be paid before the Board's annual meeting in May in order, inter alia, to prevent the interruption of programmes in the continuation of which the Fund plays an instrumental role;

35. Stresses in particular the increasing demand for assistance to rehabilitation services for victims of torture;

36. Requests the Secretary-General to continue to include the Fund on an annual basis among the programmes for which funds are pledged at the United Nations Pledging Conference for Development Activities;

37. Renews its request to the Secretary-General to transmit to all Governments the appeals of the Commission for contributions to the Fund;

38. Calls upon the Board of Trustees of the Fund to report to the Commission at its fifty-fourth session and present an updated assessment of the global need for international funding of rehabilitation services for victims of torture;

39. Requests the Secretary-General to continue to keep the Commission informed of the operations of the Fund on an annual basis;

40. Urges States parties whose arrears predate the provision made by the Secretary-General for funding the Committee against Torture from the regular budget to fulfil their obligations forthwith;

41. Requests the Secretary-General to ensure, within the overall budgetary framework of the United Nations, the provision of an adequate and stable level of staffing as well as the necessary technical facilities for the United Nations bodies and mechanisms dealing with torture, in order to ensure their effective performance;

42. Decides to continue to consider these questions at its fifty-fourth session.

57th meeting
11 April 1997
[Adopted without a vote. See chap. VIII.]

1997/39. Internally displaced persons

The Commission on Human Rights,

Deeply disturbed by the alarmingly high numbers of internally displaced persons throughout the world who receive inadequate protection and assistance, and conscious of the serious problem this is creating for the international community,

Noting with concern that many serious situations of internal displacement do not receive sufficient attention and response,

Conscious of the human rights and humanitarian dimensions of the problem of internally displaced persons and the responsibilities this poses for States and the international community to explore methods and means better to address their protection and assistance needs,

Recalling the relevant norms of international human rights instruments, international humanitarian law and analogous refugee law,

Recalling the emphasis in the Vienna Declaration and Programme of Action (A/CONF.157/23) on the need to develop global strategies to address the problem of internal displacement,

Bearing in mind General Assembly resolutions 49/169 of 23 December 1994 and 50/195 of 22 December 1996 and, in particular, the call by the General Assembly upon the Commission to consider the question of establishing an appropriate legal framework for the internally displaced, on the basis of the report of the representative of the Secretary-General,

Recognizing that the protection of internally displaced persons would be strengthened by identifying, reaffirming and consolidating specific rights for their protection, *Welcoming* the cooperation established between the representative of the Secretary-General and the United Nations High Commissioner for Human Rights, the United Nations High Commissioner for Refugees, the United Nations Development Programme, the Department of Humanitarian Affairs and the World Food Programme, as well as the International Committee of the Red Cross and other relevant international and regional organizations and agencies,

Reaffirming the finding of the representative of the Secretary-General that a central coordination mechanism to assign responsibilities is essential in emergency situations where the Government of the country concerned is unable to discharge its normal responsibilities, and welcoming in this context the establishment, by the Inter-Agency Standing Committee, of the Task Force on Internally Displaced Persons,

Welcoming the decision by the Inter-Agency Standing Committee to invite the representative of the Secretary-General to participate in its relevant meetings, as well as in its Task Force, and encouraging further strengthening of this collaboration in order to promote better assistance, protection and development strategies for internally displaced persons,

Recalling its resolution 1996/52 of 19 April 1996,

1. *Takes note with appreciation* of the report of the representative of the Secretary-General on internally displaced persons (E/CN.4/1997/43 and Add.1);

2. *Commends* the representative of the Secretary-General for the activities undertaken so far, despite the limited resources available to him, and for the catalytic role he continues to play to raise the level of consciousness about the plight of internally displaced persons;

3. *Expresses its appreciation* to those Governments and intergovernmental and non-governmental organizations which have provided assistance and protection to internally displaced persons and have supported the work of the representative of the Secretary-General, urges them to continue to do so and calls upon others to provide support for the efforts of the representative;

4. *Encourages* the representative of the Secretary-General through continuous dialogue with Governments and all intergovernmental and non-governmental organizations concerned to continue his analysis of the causes of internal displacement, the needs of those displaced, measures of prevention and ways to strengthen protection, assistance and solutions for the internally displaced, taking into account specific situations;

5. *Recalls* the compilation and analysis of legal norms submitted by the representative of the Secretary-General, which concludes that, while present international law covers many aspects of particular relevance to internally displaced persons, there are several significant areas in which the law fails to provide sufficient protection;

6. *Encourages* the representative of the Secretary-General to continue, on the basis of his compilation and analysis of legal norms, to

develop a comprehensive framework for the protection of internally displaced persons, takes note of his preparations for guiding principles to this end, and requests the representative to report thereon to the Commission at its fifty-fourth session;

7. Emphasizes the need for better implementation of existing international law applicable to internally displaced persons;

8. Requests the Secretary-General to ensure the rapid publication, in all the United Nations working languages, and wide dissemination of the compilation and analysis of legal norms submitted by his representative and encourages Governments to translate it into other languages;

9. Welcomes the specific attention paid by the representative of the Secretary-General to the special assistance, protection and development needs of internally displaced women and children and encourages him to continue to address these needs;

10. Thanks Governments which have invited the representative of the Secretary-General to visit their countries and invites them to give due consideration, in their dialogue with the representative, to his recommendations and suggestions and to make available information on measures taken thereon;

11. Calls upon all Governments to facilitate the activities of the representative of the Secretary-General, in particular those Governments with situations of internal displacement which have not yet extended invitations or responded positively to requests for information from the representative;

12. Commends the representative of the Secretary-General for his efforts to promote a comprehensive strategy for better protection, assistance and development for internally displaced persons, and looks forward to the comprehensive study being prepared by him and to the recommendations therein;

13. Encourages the representative of the Secretary-General and the United Nations High Commissioner for Human Rights, as well as the United Nations High Commissioner for Refugees, the United Nations Development Programme, the Department for Humanitarian Affairs, the World Food Programme, the International Committee of the Red Cross and all other relevant humanitarian assistance and development organizations further to enhance their collaboration by developing frameworks of cooperation to promote protection, assistance and development for internally displaced persons;

14. Urges these organizations, especially through the Inter-Agency Standing Committee and its Task Force on Internally Displaced Persons, to continue to focus on problems relating to and solutions for internally displaced persons, including the setting up of a more comprehensive and coherent system of collecting data on their situation, and to strengthen their collaboration with the representative of the Secretary-General;

15. Welcomes the initiatives undertaken by regional organizations, such as the Organization for Security and Cooperation in Europe, the Organization of African Unity and the Organization of American States, to

address the assistance, protection and development needs of internally displaced persons, and encourages them to strengthen these activities and their cooperation with the representative;

16. Welcomes the attention paid by relevant rapporteurs, working groups, experts and treaty bodies to issues of internal displacement, and calls upon them to continue to seek information on situations which have already created or could create internal displacement and to include relevant information and recommendations thereon in their reports and make them available to the representative of the Secretary-General;

17. Calls upon the High Commissioner for Human Rights to develop projects, in cooperation with Governments, relevant international organizations and the representative of the Secretary-General, to promote the human rights of internally displaced persons, as part of the programme of advisory services and technical cooperation, and to include in his report to the Commission information on their implementation;

18. Requests the Secretary-General to provide his representative, from within existing resources, with all necessary assistance to carry out his mandate effectively, and encourages the representative of the Secretary-General to continue to seek the contribution of local, national and regional institutions;

19. Decides to continue its consideration of the question at its fifty-fourth session.

57th meeting
11 April 1997
[Adopted without a vote. See chap. IX.]

1997/40. National institutions for the promotion and protection of human rights

The Commission on Human Rights,

Recalling relevant resolutions of the General Assembly and its own resolutions concerning national institutions for the promotion and protection of human rights, notably General Assembly resolution 48/134 of 20 December 1993, Commission on Human Rights resolution 1995/50 of 3 March 1995, General Assembly resolution 50/176 of 22 December 1995 and Commission on Human Rights resolution 1996/50 of 19 April 1996,

Welcoming the rapidly growing interest shown worldwide in the creation and strengthening of independent, pluralistic national institutions for the promotion and protection of human rights,

Convinced of the important role such national institutions play in promoting and protecting human rights and fundamental freedoms and in developing and enhancing public awareness of those rights and freedoms, *Recognizing* that the United Nations has played and should continue to play an important role in assisting the development of national institutions,

Recalling that, in General Assembly resolution 48/134, the Assembly welcomed the Principles relating to the status of national institutions for the promotion and protection of human rights, annexed to that resolution,

Recognizing that it is the prerogative of each State to choose, for the establishment of a national institution, the framework that is best suited to its particular needs and circumstances to ensure that human rights are promoted and protected at the national level in accordance with international human rights standards,

Recalling the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights (A/CONF.157/23), in which was reaffirmed the important and constructive role played by national human rights institutions and their role in remedying human rights violations and in the dissemination of human rights information and education concerning human rights,

Recalling also the Platform for Action adopted by the Fourth World Conference on Women (A/CONF.177/20, chap. I), in which Governments were urged to create or strengthen independent national institutions for the promotion and protection of human rights, including the human rights of women,

Recalling that, at the World Conference on Human Rights, representatives of national institutions who attended as observers played a positive and constructive role in the deliberations of the Conference,

Welcoming the strengthening of regional cooperation amongst national human rights institutions, including the North and Latin American regional meeting in Mexico in April 1996 and the agreement reached at the first Asia-Pacific Regional Workshop of National Human Rights Institutions, held in Darwin, Australia, in July 1996, to establish an Asia-Pacific Regional Forum of National Human Rights Institutions, open to all regional national institutions established in conformity with the Principles relating to the status of national institutions,

Also welcoming the second regional meeting of European national institutions, held in Copenhagen in January 1997, which established a coordination group with the aim of strengthening national institutions in Europe and in countries of the Commonwealth of Independent States, and commending the High Commissioner/Centre for Human Rights for supporting the meetings in Darwin and Copenhagen,

Noting with satisfaction the constructive participation of representatives of a number of national institutions for the promotion and protection of human rights in international seminars and workshops organized or sponsored by the United Nations and its Member States and in other United Nations activities,

Noting the importance of finding an appropriate form of participation by national institutions in relevant United Nations meetings dealing with human rights, and noting that a number of national institutions have for some time taken a constructive part in such meetings as part of the delegations of Member States,

1. *Reaffirms* the importance of the development of effective, independent, pluralistic national institutions for the promotion and protection of human rights in keeping with the Principles relating to the status of national institutions annexed to General Assembly resolution 48/134;

2. *Encourages* Member States to establish or, where they already exist, to strengthen national institutions for the promotion and protection of human rights, as outlined in the Vienna Declaration and Programme of Action;

3. *Welcomes* the decisions announced recently by a growing number of States to establish, or consider establishing, national institutions for the promotion and protection of human rights;

4. *Encourages* all Member States to take appropriate steps to promote the exchange, in particular by national institutions, of information and experience concerning the establishment and operation of national institutions;

5. *Emphasizes* in this regard the need to disseminate the Principles relating to the status of national institutions as widely as possible, and calls upon the Secretary-General to undertake this task;

6. *Reaffirms* the role of national institutions, where they exist, as appropriate agencies *inter alia* for the dissemination of human rights materials and other public information activities, including those of the United Nations;

7. *Urges* the Secretary-General to continue to give a high priority to requests from Member States for assistance in the establishment and strengthening of national human rights institutions as part of the programme of advisory services and technical assistance in the field of human rights;

8. *Commends* the recently intensified activities of the High Commissioner/Centre for Human Rights in promoting and strengthening national institutions, including through the work of the Special Adviser to the High Commissioner for Human Rights on national institutions, regional arrangements and preventive strategies;

9. *Requests* the High Commissioner/Centre for Human Rights, with the assistance of national institutions and their Coordinating Committee, to continue to provide technical assistance to States wishing to establish or strengthen their national institutions and to organize training programmes for national institutions which request them;

10. *Encourages* the High Commissioner/Centre for Human Rights to ensure that appropriate arrangements are made and resources provided from within existing resources to continue and further extend the intensified activities in support of national human rights institutions and invites Governments to

contribute additional, earmarked funds to the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights for this purpose;

11. *Requests* the Secretary-General to take measures to ensure that national institutions are informed effectively, including through diplomatic channels, about the activities of the Centre for Human Rights involving national institutions;

12. *Takes note* of the role of the Coordinating Committee created by national institutions, as recognized in Commission on Human Rights resolution 1994/54 of 4 March 1994, in close cooperation with the Centre for Human Rights, to assist Governments and national institutions, when requested, to follow up on relevant resolutions and recommendations concerning the strengthening of national institutions;

13. *Requests* the Secretary-General to continue to provide, from within existing resources, the necessary assistance for holding meetings of the Coordinating Committee during the sessions of the Commission on Human Rights, under the auspices of, and in cooperation with, the High Commissioner/Centre for Human Rights;

14. *Also requests* the Secretary-General to continue to provide, from within existing resources and the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, the necessary assistance for regional meetings of national institutions;

15. *Takes note* of the report of the Secretary-General concerning possible forms of participation by national institutions in United Nations meetings dealing with human rights (E/CN.4/1997/41), and notes the corresponding recommendation therein;

16. *Considers* it appropriate for national institutions which conform with the Principles relating to the status of national institutions to be able to participate in an appropriate manner in their own right in meetings of the Commission on Human Rights and its subsidiary bodies, requests the Secretary-General to submit to the Commission as soon as possible a report containing options for arrangements to implement this so that the Commission may resolve the question at its fifty-fourth session, and considers that appropriate practices should be continued in the interim to provide for such participation;

17. *Reiterates* its request to the Secretary-General to convene, within existing resources, a fourth international workshop on national institutions for the promotion and protection of human rights, to be held in Mexico during 1997;

18. *Welcomes* the decisions to hold the second Asia-Pacific regional workshop of national institutions, the second regional meeting of African national institutions and the third regional meeting of European national institutions within the next year;

19. *Invites* Governments and intergovernmental organizations to contribute to the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights for the purpose of financing, where necessary, attendance by representatives of national institutions;

20. *Recognizes* the important and constructive role that non-governmental organizations can play, in cooperation with national institutions, for the better promotion and protection of human rights;

21. *Requests* the Secretary-General to report to the Commission at its fifty-fourth session on the implementation of the present resolution;

22. *Decides* to continue its consideration of this question at its fifty-fourth session.

57th meeting
11 April 1997
[Adopted without a vote. See chap. IX.]

1997/41. *Development of public information activities in the field of human rights, including the World Public Information Campaign for Human Rights*

The Commission on Human Rights,

Reaffirming that activities to improve public knowledge in the field of human rights are essential to the fulfilment of the purposes and principles of the United Nations set out in Article 1, paragraph 3, of the Charter of the United Nations, and that carefully designed programmes of teaching, education and information are essential to the achievement of lasting respect for human rights and fundamental freedoms,

Recalling previous General Assembly resolutions and its own resolutions on this subject,

Recognizing the significant effect of United Nations initiatives on public information activities in the field of human rights, in particular those undertaken by the United Nations High Commissioner for Human Rights,

Taking note of the valuable role that non-governmental organizations can play in this endeavour,

Believing that the World Public Information Campaign for Human Rights is a valuable complement to the activities of the United Nations aimed at the further promotion and protection of human rights and fundamental freedoms, and recalling the importance attached by the World Conference on Human Rights to strengthening the World Campaign,

1. *Takes note with appreciation* of the report of the Secretary-General on the development of public information activities in the field of human rights, including the World Public Information Campaign for Human Rights (E/CN.4/1997/36), which contains, *inter alia*, a comprehensive

review of the relevant programmes of information and publication undertaken by the High Commissioner/Centre for Human Rights and by the Department of Public Information;

2. *Appreciates* the measures taken by the Department of Public Information and the High Commissioner/Centre for Human Rights to ensure the further production and effective dissemination of human rights information materials in regional and local languages, in close cooperation with regional, national and local organizations as well as with Governments, in particular as a component of the technical assistance projects in the field of human rights;

3. *Urges* the High Commissioner/Centre for Human Rights and the Department of Public Information to cooperate closely in the realization of the information and publication programmes in the field of human rights, including the implementation of the new information strategy and the relevant preparatory work for the fiftieth anniversary of the Universal Declaration of Human Rights;

4. *Encourages* the High Commissioner/Centre for Human Rights to continue the development of training courses and materials such as targeted training manuals for professional audiences, referred to in the report of the Secretary-General;

5. *Welcomes* the establishment of an Internet site by the High Commissioner for Human Rights and encourages the High Commissioner/Centre for Human Rights to make available in a timely fashion on the website United Nations documents and publications as well as databases for the promotion of human rights, in the official languages of the United Nations, and encourages the efforts of the Department of Public Information with respect to computer-accessible information on human rights;

6. *Urges* the Department of Public Information, in cooperation with the High Commissioner/Centre for Human Rights, to utilize fully and effectively United Nations information centres for the purpose of disseminating, within their designated areas of activity, basic information and reference materials on human rights and fundamental freedoms, in the official languages of the United Nations;

7. *Urges* the Department of Public Information to produce, in cooperation with the High Commissioner/Centre for Human Rights, information material, in particular audio-visual material, on all aspects of human rights in connection with the World Public Information Campaign for Human Rights, the fiftieth anniversary of the Universal Declaration of Human Rights and the United Nations Decade for Human Rights Education;

8. *Requests* the Secretary-General to take advantage as much as possible of the collaboration of non-governmental organizations in the implementation of the World Public Information Campaign for Human Rights, in the preparation of public information activities for the fiftieth anniversary of the Universal Declaration of Human Rights and in the activities relating to the United Nations Decade for Human Rights Education;

9. *Encourages* all Member States to make special efforts to provide, facilitate and promote publicity for the activities of the United Nations in the field of human rights, including considering the creation of national

committees for the fiftieth anniversary of the Universal Declaration of Human Rights and for the United Nations Decade for Human Rights Education, to accord priority to the dissemination in their respective national and local languages of the Universal Declaration of Human Rights, the International Covenants on Human Rights and other international instruments and to provide information and education on the practical ways in which the rights and freedoms enjoyed under these instruments can be exercised;

10. *Encourages* all Member States to develop specific programmes and strategies for ensuring the widest human rights education and dissemination of public information and, in drawing up national action plans for the promotion and protection of human rights, to include broad-based education and public information programmes on human rights and to implement a gender perspective in accordance with the recommendations adopted by the World Conference on Human Rights and the Fourth World Conference on Women;

11. *Calls upon* the High Commissioner for Human Rights to coordinate and harmonize human rights information strategies within the United Nations system, in close cooperation with all relevant United Nations agencies and bodies;

12. *Requests* the Secretary-General to make available adequate resources from within the regular budget of the United Nations in order to allow the High Commissioner/Centre for Human Rights and the Department of Public Information to implement fully their expanded publications programme;

13. *Also requests* the Secretary-General to submit to the Commission, at its fifty-fifth session, a report on public information activities, with special emphasis on activities relating to the World Public Information Campaign for Human Rights and those for the fiftieth anniversary of the Universal Declaration of Human Rights, including information on expenditures incurred in the biennium 1996-1997 and those envisaged for the biennium 1998-1999;

14. *Decides* to continue its consideration of the question at its fifty-fifth session under the agenda item entitled "Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission".

57th meeting
11 April 1997
[Adopted without a vote. See chap. IX.]

1997/42. *Human rights and terrorism*

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations and the International Covenants on Human Rights, Recalling the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations adopted by the General Assembly in its resolution 50/6 of 24 October 1995,

Recalling also the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in June 1993 (A/CONF.157/23),

Recalling further General Assembly resolutions 46/51 of 9 December 1991, 49/60 of 9 December 1994, 50/53 of 11 December 1995, 50/186 of 22 December 1995 and 51/210 of 17 December 1996, as well as its own resolution 1996/47 of 19 April 1996,

Noting resolution 1996/20 of 29 August 1996 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and noting the decision of the Sub-Commission to have a working paper prepared on the question of human rights and terrorism to be considered by the Sub-Commission at its forty-ninth session,

Convinced that terrorism, in all its forms and manifestations, wherever and by whomever committed, can never be justified in any instance, including as a means to promote and protect human rights,

Taking into account that acts of terrorism in all its forms and manifestations aimed at the destruction of human rights have continued despite national and international efforts,

Bearing in mind that the most essential and basic human right is the right to life,

Bearing in mind also that terrorism creates an environment that destroys the freedom from fear of the people,

Reiterating that all States have an obligation to promote and protect human rights and fundamental freedoms, and that everyone should strive to secure their universal and effective recognition and observance,

Seriously concerned at the gross violations of human rights perpetrated by terrorist groups,

Profoundly deploring the increasing number of innocent persons, including women, children and older persons, killed, massacred and maimed by terrorists,

Noting with great concern the growing connection between terrorist groups and increased organized crime, in particular the illegal traffic in arms and drugs,

Reaffirming that all measures to counter terrorism must be in strict conformity with international law including international human rights standards,

Stressing the need further to strengthen international cooperation between States, international organizations and agencies, regional organizations and arrangements and the United Nations in order to prevent, combat and eliminate terrorism in all its forms and manifestations, wherever and by whomever committed, and inviting interested non-governmental organizations to join States in condemning terrorism,

Bearing in mind the possibility of considering in the future the elaboration of a comprehensive convention on international terrorism, and stressing that respect for human rights is and must be an essential component of such an effort,

1. *Expresses its solidarity* with the victims of terrorism;

2. *Reiterates the unequivocal condemnation* of all acts, methods and practices of terrorism, regardless of their motivation, in all its forms and manifestations, wherever and by whomever committed, as acts of aggression aimed at the destruction of human rights, fundamental freedoms and democracy, threatening the territorial integrity and security of States, destabilizing legitimately constituted Governments, undermining pluralistic civil society and having adverse consequences for the economic and social development of States;

3. *Condemns* incitement of ethnic hatred, violence and terrorism;

4. *Calls upon* States to take all necessary and effective measures, in strict conformity with international law including international human rights standards, to prevent, combat and eliminate terrorism in all its forms and manifestations, wherever and by whomever committed;

5. *Urges* the international community to enhance cooperation at the regional and international levels in the fight against terrorism in all its forms and manifestations, in accordance with relevant international instruments, including those relating to human rights, with the aim of its eradication;

6. *Urges* all thematic special rapporteurs and working groups to address, as appropriate, the consequences of the acts, methods and practices of terrorist groups, in their forthcoming reports to the Commission;

7. *Requests* the Secretary-General to continue to collect information on the implications of terrorism and of the fight against terrorism on the full enjoyment of human rights from all relevant sources, including Governments, specialized agencies, intergovernmental organizations and non-governmental organizations, and to make it available to the special rapporteurs and working groups concerned and the Commission on Human Rights for their consideration;

8. *Decides* to continue consideration of the question at its fifty-fourth session as a matter of priority.

57th meeting
11 April 1997

[Adopted by a roll-call vote of 28 votes to none, with 23 abstentions. See chap. IX.]

1997/43. Integrating the human rights of women throughout the United Nations system

The Commission on Human Rights,

Reaffirming that discrimination on the basis of sex is contrary to the Charter of the United Nations, the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women and other international human rights instruments,

Recalling its previous resolutions on the subject,

Recalling also that, in the Vienna Declaration and Programme of Action (A/CONF.157/23), the World Conference on Human Rights affirmed that the human rights of women and of the girl child are an inalienable, integral and indivisible part of universal human rights and called for action to integrate the equal status and human rights of women into the mainstream of United Nations system-wide activity,

Emphasizing the major role of the Commission on the Status of Women in promoting equality between women and men, and recalling resolution 41/6 on mainstreaming a gender perspective in all policies and programmes of the United Nations system, adopted by the Commission on the Status of Women at its forty-first session,

Bearing in mind that the Fourth World Conference on Women, in the Beijing Platform for Action (A/CONF.177/20, chap. I), called upon all relevant organs, bodies and agencies of the United Nations system, all human rights bodies of the United Nations system, as well as the United Nations High Commissioner for Human Rights and the United Nations High Commissioner for Refugees, to give full, equal and sustained attention to the human rights of women in the exercise of their respective mandates,

Recognizing the need to promote and strengthen national and international efforts to improve the status of women in all areas in order to foster the elimination of discrimination against women,

Reaffirming the important role women's groups and non-governmental organizations play in promoting and protecting the human rights of women,

Reiterating the need for States and the relevant United Nations bodies to include in their human rights education activities information on the human rights of women,

1. Welcomes the report of the Secretary-General (E/CN.4/1997/40);

2. Expresses concern that implementation of the relevant recommendations of the Vienna Declaration and Programme of Action and the Beijing Platform for Action remains far from the objectives set forth in the two documents and, therefore, calls once again for intensified effort at the international level to integrate the equal status and human rights of women into the mainstream of United Nations system-wide activity and to address these issues regularly and systematically in all relevant United Nations bodies and mechanisms;

3. Encourages the efforts made by the United Nations High Commissioner for Human Rights, within his mandate established by the General Assembly in resolution 48/141 of 20 December 1993, to coordinate the activities of relevant United Nations organs, bodies and mechanisms dealing with human rights in considering violations of the human rights of women and welcomes in this regard the initiative of the High Commissioner to undertake a comprehensive review of the technical cooperation programme from a gender perspective;

4. Also encourages the strengthening of cooperation and coordination among all human rights treaty bodies, special rapporteurs, special procedures and other human rights mechanisms of the Commission and the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and requests that they regularly and systematically take a gender perspective into account in the implementation of their mandates, including information and qualitative analysis in their reports on violations of the human rights of women;

5. Welcomes, in this regard, the paper prepared by the United Nations Development Fund for Women (E/CN.4/1997/131, annex) for the meeting of the special rapporteurs, special representatives, independent experts and chairpersons of the working groups of the special procedures of the Commission on Human Rights held from 28 to 30 May 1996 (see E/CN.4/1997/3) and the description therein that gender-specific reporting and analysis is an examination of the effects of gender on the form which a human rights violation takes, the circumstances in which a particular violation occurs, the consequences for the victim, and the availability and accessibility of remedies, and urges the implementation of the recommendations pertaining to working methods and reporting methodology, including sources of information and gender-specific analysis in conclusions and recommendations;

6. Calls for the further strengthening of cooperation and coordination between the Commission on Human Rights and the Commission on the Status of Women and between the Centre for Human Rights and the Division for the Advancement of Women through, inter alia, regular inter-secretariat cooperation to ensure that the joint work plan of the Centre for Human Rights and the Division for the Advancement of Women reflects all aspects of work under way and identifies where obstacles/impediments exist and areas for further collaboration, and requests that this plan be made available to the Commission on Human Rights at its fifty-fourth session and to the Commission on the Status of Women at its forty-second session;

7. Recognizes that the success of mainstreaming women's rights will depend on the formalizing, at the highest levels, of a clear policy and guidelines on the integration of a gender perspective into the United Nations human rights system, and draws attention to the need to develop practical strategies to implement the recommendations contained in the report of the expert group meeting on the development of guidelines for the integration of a gender perspective into human rights activities and programmes (E/CN.4/1996/105, annex);

8. *Welcomes* the efforts of the treaty bodies to monitor more effectively the human rights of women in their activities, including such initiatives as the round table on human rights approaches to women's health with a focus on reproductive and sexual health rights, organized jointly by the High Commissioner/Centre for Human Rights, the Division for the Advancement of Women and the United Nations Population Fund;

9. *Affirms* that it is the responsibility of all treaty bodies, in their work, to integrate a gender perspective and that, in order to do so, the recommendations contained in the report of the Secretary-General should be given due consideration, in particular to:

(a) Develop gender-sensitive guidelines to be used in the review of States parties' reports;

(b) Develop, as a matter of priority, a common strategy towards mainstreaming the human rights of women into their work, so that each body, within its mandate, monitors the human rights of women;

(c) Incorporate a gender analysis and regularly exchange information in the development of general comments and recommendations with a view to the preparation of general comments which reflect a gender perspective;

(d) Incorporate a gender perspective into concluding observations so that the concluding observations of each treaty body delineate the strengths and weaknesses of each State party insofar as enjoyment by women of the rights guaranteed by a particular treaty is concerned;

10. *Urges* States to limit the extent of any reservations to the Convention on the Elimination of All Forms of Discrimination against Women, formulate any such reservations as precisely and as narrowly as possible, ensure that no reservations are incompatible with the object and purpose of the Convention or otherwise incompatible with international treaty law, and regularly review them with a view to withdrawing them;

11. *Urges* the relevant organs, bodies and agencies of the United Nations system, all human rights bodies of the United Nations system, as well as the United Nations High Commissioner for Human Rights and the United Nations High Commissioner for Refugees, to provide training in the human rights of women for all United Nations personnel and officials, especially those in human rights and humanitarian relief activities, and promote their understanding of the human rights of women so that they recognize and deal with violations of the human rights of women and can fully take into account the gender aspects of their work, and, in particular, encourages the Centre for Human Rights to undertake a systematic review of its information and training materials, including materials relating to the conducting of field operations, with a view to revising such materials where necessary in order to ensure the integration of a gender perspective and to bear in mind the need for expertise in the human rights of women in the recruitment of staff;

12. *Welcomes* the exchange of information between the High Commissioner/Centre for Human Rights and non-governmental organizations, and calls for continued cooperation between them on integrating the human rights of women;

13. *Draws attention* to the need to give due consideration to the human rights of women and the girl child in the preparations for the five-year review of the Vienna Declaration and Programme of Action and the commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights;

14. *Renews* its call to the High Commissioner for Human Rights to ensure the availability of expertise on gender issues and the human rights of women in order to provide advice to the High Commissioner on integrating the human rights of women throughout the Centre for Human Rights and to liaise with other relevant United Nations bodies in this regard;

15. *Requests* the Secretary-General to report on the implementation of the present resolution at its fifty-fourth session;

16. *Decides* to continue its consideration of the question at its fifty-fourth session.

57th meeting
11 April 1997
[Adopted without a vote. See chap. IX.]

1997/44. *The elimination of violence against women*

The Commission on Human Rights,

Reaffirming that discrimination on the basis of sex is contrary to the Charter of the United Nations, the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women and other international human rights instruments, and that its elimination is an integral part of efforts towards the elimination of violence against women,

Recalling its resolution 1994/45 of 4 March 1994 in which it decided to appoint a special rapporteur on violence against women, its causes and consequences, as well as subsequent resolutions on the elimination of violence against women,

Welcoming the adoption by the General Assembly, in its resolution 48/104 of 20 December 1993, of the Declaration on the Elimination of Violence against Women, which recognizes that violence against women both violates and impairs or nullifies the enjoyment by women of human rights and fundamental freedoms, and expresses concern about the long-standing failure to protect and promote these rights and freedoms in relation to violence against women,

Recalling that the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights (A/CONF.157/23) affirmed that gender-based violence and all forms of sexual harassment and exploitation, including those resulting from cultural prejudice and international trafficking, are incompatible with the dignity and worth of the human person and must be eliminated,

Deeply concerned that some groups of women, such as women belonging to minority groups, indigenous women, refugee women, migrant women, women living in rural or remote communities, destitute women, women in institutions or in detention, the girl child, women with disabilities, elderly women and women in situations of armed conflict, are especially vulnerable to violence,

Alarmed by the marked increase in acts of sexual violence directed notably against women and children, as expressed in the Final Declaration of the International Conference for the Protection of War Victims, held in Geneva from 30 August to 1 September 1993, and reiterating that such acts constitute grave breaches of international humanitarian law,

Stressing that the implementation of the Convention on the Elimination of All Forms of Discrimination against Women will contribute to the elimination of violence against women and that the implementation of the Declaration on the Elimination of Violence against Women strengthens and complements this process, and welcoming the significant progress achieved in relevant sections of the Beijing Declaration and Platform for Action (A/CONF.177/20, chap. I), such as those on violence against women, women and armed conflict and the human rights of women,

Bearing in mind that the Vienna Declaration and Programme of Action calls for action to integrate the equal status and human rights of women into the mainstream of United Nations system-wide activity, stresses the importance of working towards the elimination of violence against women in public and private life, and urges the eradication of all forms of discrimination against women,

1. *Welcomes* the report of the Special Rapporteur on violence against women, its causes and consequences (E/CN.4/1997/47 and Add.1-4), and encourages her in her future work;

2. *Commends* the Special Rapporteur for her analysis of violence in the family and violence in the community;

3. *Condemns* all acts of gender-based violence against women and in this regard calls, in accordance with the Declaration on the Elimination of Violence against Women, for the elimination of gender-based violence in the family, within the general community and where perpetrated or condoned by the State, and emphasizes the duty of Governments to refrain from engaging in violence against women and to exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women and to take appropriate and effective action concerning acts of violence against women, whether those acts are perpetrated by the State or by private persons, and to provide access to just and effective remedies and specialized assistance to victims;

4. *Also condemns* all violations of the human rights of women in situations of armed conflict, recognizes them to be violations of international human rights and humanitarian law and calls for a particularly effective response to violations of this kind, including in particular murder, systematic rape, sexual slavery and forced pregnancy;

5. *Encourages* those States participating in the drafting of the statute of the International Criminal Court to give full consideration to integrating a gender perspective;

6. *Requests* all Governments to cooperate with and assist the Special Rapporteur in the performance of the tasks and duties mandated, to supply all information requested and to respond to the Special Rapporteur's visits and communications;

7. *Takes note* of the procedures established by the Special Rapporteur to seek information from Governments concerning specific cases of alleged violence in order to identify and investigate situations of violence against women, its causes and its consequences, in particular standard information forms (E/CN.4/1997/47/Add.4, annex);

8. *Requests* human rights treaty bodies, other special rapporteurs responsible for various human rights questions, United Nations bodies and organs, specialized agencies and intergovernmental and non-governmental organizations, including women's organizations, to cooperate with and assist the Special Rapporteur in the performance of the tasks and duties mandated, and in particular to respond to requests for information on violence against women, its causes and its consequences;

9. *Stresses* the conclusions and recommendations of the Special Rapporteur that States have an affirmative duty to promote and protect the human rights of women and must exercise due diligence to prevent violence against women, including violence against women in the family and in the community, and calls upon States:

(a) To work actively to ratify and/or implement international human rights norms and instruments as they relate to violence against women;

(b) To include in reports submitted in accordance with the provisions of relevant United Nations human rights instruments gender-disaggregated data, whenever possible, information pertaining to violence against women and measures taken to implement the Declaration on the Elimination of Violence against Women and the Beijing Platform for Action;

(c) To cooperate with all other competent mechanisms in the United Nations system in relation to violence against women;

(d) To condemn violence against women and not invoke custom, tradition or practices in the name of religion to avoid their obligations to eliminate such violence;

(e) To take action to eradicate violence in the family and violence in the community, for example through formulating national plans of action;

(f) To enact and/or reinforce penal, civil, labour and administrative sanctions in domestic legislation to punish and redress the wrongs done to women and girls subjected to any form of violence, whether in the home, the workplace, the community or society, bearing in mind the Special Rapporteur's recommendations;

(g) To enact and/or enforce legislation protecting girls from all forms of violence, including female infanticide and prenatal sex selection, genital mutilation, incest, sexual abuse, sexual exploitation, child prostitution and child pornography, and develop age-appropriate safe and confidential programmes and medical, social and psychological support services to assist girls who are subjected to violence;

(h) To create, improve or develop, as appropriate, and fund training programmes for judicial, legal, medical, social, educational and police and immigration personnel, in order to avoid the abuse of power leading to violence against women and sensitize such personnel to the nature of gender-based acts and threats of violence so that fair treatment of female victims can be ensured;

(i) To enact and/or enforce legislation, and to amend penal codes where necessary, to ensure effective protection against rape, sexual harassment and all other forms of sexual violence against women and give vigorous support to the efforts of non-governmental and community organizations to eliminate such practices;

(j) To consider taking measures to implement the recommendations of the Special Rapporteur (see E/CN.4/1997/47);

10. Reminds Governments that their obligations under the Convention on the Elimination of All Forms of Discrimination against Women must be fully implemented with regard to violence against women, taking into account General Recommendation No. 19, adopted by the Committee on the Elimination of Discrimination against Women at its eleventh session, and calls upon those States which are still not parties to the Convention to work actively towards ratification of or accession to it so that universal ratification can be achieved by the year 2000;

11. Requests Governments to support initiatives of women's organizations and non-governmental organizations all over the world to raise awareness of the issue of violence against women and to contribute to its elimination;

12. Renews its request to the Secretary-General to continue to provide the Special Rapporteur with all necessary assistance, in particular the staff and resources required to perform all mandated functions, especially in carrying out and following up on missions undertaken either separately or jointly with other special rapporteurs and working groups, and adequate assistance for periodic consultations with the Committee on the Elimination of Discrimination against Women and all other treaty bodies;

13. Decides that the mandate of the Special Rapporteur should be renewed for a period of three years;

14. Requests the Special Rapporteur to report annually to the Commission on Human Rights, beginning at its fifty-fourth session, on activities relating to her mandate;

15. Encourages the Special Rapporteur to examine and compile information on existing international human rights, humanitarian and other standards and instruments relating to trafficking of women and girls, in dialogue with Governments, intergovernmental organizations and non-governmental organizations;

16. Invites the Special Rapporteur to continue to cooperate with other special rapporteurs, special representatives, independent experts and chairpersons of the working groups of the special procedures of the Commission on Human Rights;

17. Requests the Secretary-General to ensure that the reports of the Special Rapporteur are brought to the attention of the Commission on the Status of Women at its forty-second session to assist in the Commission's work in the area of the human rights of women and violence against women, as well as to the attention of the Committee on the Elimination of Discrimination against Women;

18. Decides to continue consideration of the question as a matter of high priority at its fifty-fourth session.

57th meeting
11 April 1997
[Adopted without a vote. See chap. IX.]

1997/45. Regional arrangements for the promotion and protection of human rights in the Asian and Pacific region

Recalling resolution 45/2 adopted by the Economic and Social Commission for Asia and the Pacific on 5 April 1989,

Bearing in mind that intergovernmental arrangements for the promotion and protection of human rights have been established in other regions,

Welcoming the holding of the Colloquium on Human Rights in Manila on 16 and 17 January 1994, the first in a series of workshops to be organized by the Institute of Strategic and International Studies of the Association of South-East Asian Nations, intended, inter alia, to facilitate the process of developing a subregional human rights body for the promotion and protection of human rights in countries of the Association of South-East Asian Nations, in fulfilment of the decision of the Association to consider the establishment of an appropriate mechanism on human rights,

Recognizing the valuable contribution that independent national institutions can make in the field of human rights to the concept of regional arrangements,

Recognizing also that non-governmental organizations involved in the field of human rights have an important role to play in this process,

Welcoming the contribution to the development of regional human rights arrangements made by the fifth workshop on regional human rights arrangements in the Asian and Pacific region held in Amman from 5 to 7 January 1997, particularly the workshop's conclusions,

Reiterating that such workshops should be organized regularly, and if possible annually as proposed by the Government of the Republic of Korea and endorsed by the Commission in its resolution 1995/48 of 3 March 1995, Mindful that the agreements reached at the fifth workshop were built upon the accomplishments of previous workshops,

1. Welcomes the report of the Secretary-General (E/CN.4/1997/44) and the progress achieved in the implementation of Commission on Human Rights resolution 1996/64 of 23 April 1996;

2. Also welcomes the regional workshops on various human rights issues which have been held in the Asian and Pacific region, including the workshop held in Manila from 7 to 11 May 1990, the workshop held in Jakarta from 26 to 28 January 1993, the workshop held in Seoul from 18 to 20 July 1994, the workshop held in Kathmandu from 26 to 28 February 1996 and the workshop held in Amman from 5 to 7 January 1997;

3. Reaffirms that all human rights are universal, indivisible and interrelated, that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis and that, while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms;

4. Reaffirms that regional arrangements play a fundamental role in promoting and protecting human rights and that they should reinforce universal human rights standards, as contained in international human rights instruments, and their protection;

5. Takes into account the Bangkok Declaration (see A/CONF.157/PC/59) wherein it is recognized that, while human rights are universal in nature, they must be considered in the context of a dynamic and evolving process of international norm-setting, bearing in mind the significance of national and regional particularities and various historical, cultural and religious backgrounds;

6. Reaffirms, in accordance with the Amman workshop conclusions, that all human rights, civil and political, economic, social and cultural, including the right to self-determination of peoples under colonial or alien domination or foreign occupation, as well as the right of return, are universal, interdependent and indivisible and are legal rights stricto sensu;

7. Recognizes the need to develop strategies for the promotion and progressive realization of the right to development and to eliminate obstacles in this regard;

8. Endorses the conclusions of the fifth workshop, including the recognition of the importance of step-by-step progress towards the establishment of a regional arrangement for the promotion and protection of human rights in the Asian and Pacific region, which must emerge from and be directed to the needs and priorities set by Governments of the region;

9. Welcomes the hosting for the first time of a workshop on regional arrangements for the promotion and protection of human rights in the Asian and

Pacific region in West Asia, and recognizes the need to ensure that the issues, concerns and priorities of West Asia will continue to be effectively addressed in future workshops;

10. *Also welcomes* the invitation of the Islamic Republic of Iran to host the sixth workshop on regional arrangements for the promotion and protection of human rights in the Asian and Pacific region in Tehran;

11. *Notes* that national institutions can make an important contribution to the ongoing process of developing regional human rights arrangements in the Asian and Pacific region, including in areas such as human rights education, mutual cooperation and information sharing, and welcomes, in this respect, the establishment of the Asia-Pacific Forum of National Human Rights Institutions;

12. *Also notes* the contribution of representatives of non-governmental organizations and national human rights institutions in these workshops;

13. *Further notes* that the Asian and Pacific countries have developed a number of models of national institutions in accordance with their own national conditions and welcomes the establishment, in this regard, of a national human rights commission by the Government of Sri Lanka;

14. *Requests* the Secretary-General to facilitate the holding of the sixth workshop on regional arrangements for the promotion and protection of human rights in the Asian and Pacific region in Tehran under the regular budget of the United Nations for the programme of advisory services and technical cooperation in the field of human rights;

15. *Encourages* all States in the Asian and Pacific region to consider further the establishment of regional arrangements for the promotion and protection of human rights, taking into consideration the conclusions of the fifth workshop;

16. *Also encourages* all Governments in the Asian and Pacific region to consider making use of the facilities offered by the United Nations, under the programme of advisory services and technical cooperation for the promotion and protection of human rights, to further strengthen national human rights capacities;

17. *Requests* the Secretary-General to give adequate attention to the countries of the Asian and Pacific region by allocating more resources from existing United Nations funds to enable the countries of the region to benefit from all the activities under the programme of advisory services and technical cooperation in the field of human rights and recognizes the contribution of the technical cooperation programme of the Centre for Human Rights in facilitating the development of regional arrangements and other technical cooperation activities in the region;

18. *Encourages* all States members and associate members of the Economic and Social Commission for Asia and the Pacific and other parties to make full use of the depository centre of that Commission, and requests the Secretary-General to maintain a continuing flow of human rights material to its library;

19. *Stresses* that the regional cooperation programme could focus, *inter alia*, upon the request of Governments concerned, on strengthening the role of national human rights institutions in promoting the realization of all human rights, including, in particular, economic, social and cultural rights; realizing the right to development; developing methodologies for effective implementation of human rights education; elaborating guidelines for national action plans in the field of human rights; and developing strategies for cooperation on common problems, which should be implemented by drawing on the expertise within the region to the fullest extent;

20. *Also stresses*, in accordance with the conclusions of the Amman workshop and the assurances of the United Nations High Commissioner for Human Rights, that the technical cooperation programme of the Centre for Human Rights and the United Nations human rights monitoring will remain separate activities;

21. *Requests* the Secretary-General and the United Nations Development Programme to support the regional technical cooperation programme for the Asian and Pacific region and to provide resources for its implementation;

22. *Also requests* the Secretary-General, in accordance with the conclusions of the fifth workshop, to establish an open-ended team comprised of representatives of interested Governments of the region and, in consultation with the Centre for Human Rights, national institutions and non-governmental organizations:

(a) To ensure the effective preparation of the next workshop;

(b) To design a regional technical cooperation programme to facilitate the development of regional arrangements;

23. *Calls upon* the Centre for Human Rights to provide specific information on programmes available under the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, to facilitate better access and fuller utilization of these programmes by all countries in the Asian and Pacific region;

24. *Encourages* States in the Asian and Pacific region to request assistance for such purposes as regional and subregional workshops, seminars and information exchanges designed to strengthen regional cooperation for the promotion and protection of human rights to assist in the development of regional arrangements;

25. *Also encourages* the ratification, by all States, of international human rights instruments, particularly the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights;

26. *Further encourages* all States and regional and subregional organizations in the Asian and Pacific region to develop programmes for human rights education in that region;

27. *Requests* the Secretary-General to submit to the Commission at its fifty-fourth session a further report incorporating information on the progress achieved in the implementation of the present resolution;

28. Decides to continue its consideration of the question at its fifty-fourth session under the agenda item entitled "Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission".

58th meeting
11 April 1997
[Adopted without a vote. See chap. IX.]

1997/46. Advisory services, technical cooperation and the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights

The Commission on Human Rights,

Recalling General Assembly resolution 926 (X) of 14 December 1955, in which the Assembly established the United Nations programme of advisory services in the field of human rights, and Economic and Social Council decision 1987/147 of 29 May 1987, pursuant to which the Secretary-General established the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, as well as Commission on Human Rights resolution 1996/55 of 19 April 1996,

Recalling the Vienna Declaration and Programme of Action (A/CONF.157/23), in which the World Conference on Human Rights called for an enhanced programme of advisory services in the field of human rights, as well as for a more efficient and transparent management of the programme,

Mindful that the United Nations High Commissioner for Human Rights, according to his mandate as established by the General Assembly in resolution 48/141 of 20 December 1993, is responsible, inter alia, for the provision of advisory services and technical cooperation at the request of States as well as for the coordination of human rights promotion and protection activities throughout the United Nations system,

Taking note with appreciation of the report of the Secretary-General on technical cooperation in the field of human rights (E/CN.4/1997/86), including the Voluntary Fund for Technical Cooperation in the Field of Human Rights, and taking note also of the recommendations of the Board of Trustees of the Voluntary Fund,

1. Declares that advisory services and technical cooperation provided at the request of Governments with a view to developing national capacities in the field of human rights constitute one of the most efficient and effective means of promoting and protecting all human rights and democracy;

2. Welcomes, therefore, the increasing number of requests for advisory services and technical cooperation in the field of human rights as an expression of the growing commitment of States to promote and protect human rights, and encourages all States in need of assistance in this field to consider making use of advisory services and technical cooperation in order to achieve the full enjoyment of all human rights;

3. Encourages the United Nations High Commissioner for Human Rights to develop further the potential for the provision of advisory services and technical cooperation;

4. Stresses that, with a view to assisting States in promoting and protecting human rights and strengthening the rule of law and democracy, priority should be given to technical cooperation programmes designed to address the specific requirements of the requesting countries;

5. Reaffirms that the provision of advisory services and technical cooperation does not exempt any country from the monitoring activities of the human rights programme, and notes in this regard that, in order to help produce lasting results, monitoring and preventive activities may need to be accompanied by promotional activities through advisory services and technical cooperation;

6. Welcomes progress made in the management of the programme of advisory services and technical cooperation, notably the efforts made to apply more efficient procedures and training of staff in the area of project identification, management and evaluation, as well as the progressive development of clear objectives, strategies and priorities for the effective management of the technical cooperation programme, and, in accordance with the Vienna Declaration and Programme of Action, encourages the Secretary-General to pursue these efforts further;

7. Also welcomes recent efforts to integrate economic, social and cultural rights as well as a gender perspective into the technical cooperation programme;

8. Reaffirms that advisory services and technical cooperation in the field of human rights require close cooperation and coordination between United Nations bodies and specialized agencies active in this field so as to enhance the effectiveness and efficiency of their respective programmes and avoid unnecessary duplication, and requests the High Commissioner to explore yet further possibilities for cooperation with specialized agencies and other organizations of the United Nations system, as well as non-governmental organizations;

9. Encourages in particular the cooperation between the High Commissioner/Centre for Human Rights and the United Nations Development Programme, with a view to integrating the promotion of all human rights, the rule of law and democracy into the country programmes of the United Nations Development Programme and working together in the execution of projects;

10. Invites relevant United Nations treaty bodies, special rapporteurs and representatives, as well as working groups, to continue to include in

their recommendations, whenever appropriate, proposals for specific projects to be realized under the programme of advisory services and technical cooperation in the field of human rights;

11. Notes with concern that in the current biennium the budgetary resources for technical cooperation in the field of human rights have decreased by half as compared with the previous biennium, and requests the Secretary-General to allocate to the human rights programme, in the context of the budgetary planning for the biennium 1998-1999, more human and financial resources for the enlargement of the programme of advisory services and technical cooperation in the field of human rights in order to meet the substantially increased demand;

12. Expresses its appreciation for the contributions made to the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights and welcomes in particular the increasing contributions made by developing countries, and invites more Governments and non-governmental organizations to consider contributing;

13. Requests the Secretary-General, in accordance with Part II, paragraph 16, of the Vienna Declaration and Programme of Action and in cooperation with the Board of Trustees of the Voluntary Fund as advisory body, to continue to ensure more efficient management of the Voluntary Fund, strict and transparent project management rules, periodic evaluations of the programme and projects, and the dissemination of evaluation results, including programme implementation and financial accounting reports, as well as to arrange for the holding of information meetings open to all Member States and organizations directly involved in the advisory services and technical cooperation programme;

14. Requests the Board of Trustees to continue to exercise its full mandate as advisory body to promote and solicit contributions to the Voluntary Fund and to continue to assist the High Commissioner for Human Rights in monitoring, reviewing and improving constantly the implementation of technical cooperation projects, the conduct of comprehensive needs assessments and the monitoring of ongoing as well as the evaluation of completed projects, and invites the Chairman of the Board to address the Commission;

15. Emphasizes the need for the nomination of a new coordinator for the Voluntary Fund with substantial experience in development cooperation;

16. Requests the Secretary-General to continue to provide the necessary administrative assistance for the Board of Trustees, to arrange meetings of the Board and to ensure that its conclusions are reflected in the annual report to the Commission on Human Rights on technical cooperation in the field of human rights;

17. Also requests the Secretary-General to submit an analytical report to the Commission on Human Rights at its fifty-fourth session on the progress and concrete achievements made as well as obstacles encountered in the implementation of the programme of advisory services and technical cooperation

in the field of human rights and on the operation and administration of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights.

58th meeting
11 April 1997
[Adopted without a vote. See chap. XVIII.]

1997/47. Assistance to Somalia in the field of human rights

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and other relevant human rights instruments,

Recalling its resolution 1996/57 of 19 April 1996, in which it invited the independent expert to study ways and means of how best to implement, at the earliest possible date, a programme of advisory services for Somalia, upon request, inter alia through the contributions of agencies and programmes of the United Nations currently in the field, aimed at re-establishing respect for human rights and the rule of law and strengthening the police and the judicial and prison systems in Somalia, in a manner consistent with internationally accepted criminal justice standards,

Noting with concern that the breakdown of governmental authority in Somalia has exacerbated the grave situation of human rights in the country,

Welcoming all efforts aimed at improving the humanitarian situation in Somalia, such as those of agencies and programmes of the United Nations, other humanitarian organizations and non-governmental organizations,

Recognizing that the people of Somalia have the principal responsibility for their national reconciliation process and that they are the ones to decide freely on their political, economic and social systems but, as stated by the independent expert, that the international community should not abandon them in this tragic period of their national history,

Noting with appreciation the efforts of concerned countries and organizations, in particular the Organization of African Unity, the Intergovernmental Authority on Drought and Development, the League of Arab States and the Organization of the Islamic Conference, to promote a direct political dialogue,

Affirming the need for a peaceful process leading to the disarming of factions, political reconciliation and the re-establishment of effective government committed to the promotion and protection of human rights,

Deeply concerned at reports of arbitrary and summary executions, torture and other cruel, inhuman or degrading treatment or punishment and violence against women and children, and at the absence of an effective judicial system essential to ensure the right to a fair trial in accordance with international standards, Deploring continued attacks, acts of reprisal, abductions and other acts of violence committed against personnel of humanitarian organizations and non-governmental organizations and representatives of the international media in Somalia, sometimes resulting in serious injury or death,

Recognizing the negative impact that the current situation is having on neighbouring countries, in particular through refugee outflows,

Noting that, under the prevailing circumstances, it has been extremely difficult for the independent expert to fulfil her mandate as envisioned by the Commission,

Believing nonetheless that the High Commissioner/Centre for Human Rights should be in a position, through its programme of advisory services and technical assistance, to reinforce any positive political developments in Somalia by providing assistance, including to the police and the judicial and penal systems as well as to other institutions for the promotion and protection of human rights,

1. Takes note with appreciation of the report of the independent expert (E/CN.4/1997/88 and Corr.1) and, in particular, of her conclusions and recommendations;

2. Calls upon all parties to the conflict in Somalia to work towards a peaceful solution to the crisis;

3. Strongly urges all parties in Somalia to respect human rights and international humanitarian law pertaining to internal armed conflict, to support, as recommended by the independent expert, the re-establishment of the rule of law throughout the country, in particular by applying internationally accepted criminal justice standards, and to protect United Nations personnel, humanitarian relief workers and representatives of non-governmental organizations and of the international media;

4. Calls upon regional organizations and concerned countries to continue and intensify the efforts aimed at facilitating the national reconciliation process in Somalia, aware of the fact that the peaceful coexistence of all parties and groups is an important foundation for the respect of human rights;

5. Calls upon individual donor countries, international organizations and non-governmental organizations to incorporate human rights principles and objectives into the humanitarian and development work they carry out in Somalia and to cooperate with the independent expert;

6. Requests the independent expert to report on the human rights situation in Somalia to the Commission at its fifty-fourth session, in particular on the basis of a detailed assessment of the means necessary to establish a programme of advisory services and technical cooperation through, inter alia, the contribution of agencies and programmes of the United Nations in the field, as well as of the non-governmental sector;

7. Requests the Secretary-General to provide the independent expert with all necessary assistance in carrying out her mandate and to provide adequate resources, from within existing overall United Nations resources, to

fund the activities of the independent expert and the High Commissioner/Centre for Human Rights for the implementation of advisory services and technical cooperation;

8. Invites Governments and organizations in a position to do so to respond positively to requests by the Secretary-General for assistance in the implementation of the present resolution;

9. Decides to continue consideration of the question at its fifty-fourth session under the same agenda item.

58th meeting
11 April 1997
[Adopted without a vote. See chap. XVIII.]

1997/48. Assistance to States in strengthening the rule of law

The Commission on Human Rights,

Recalling that, by adopting the Universal Declaration of Human Rights, Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Firmly convinced that, as stressed in the Universal Declaration of Human Rights, the rule of law is an essential factor in the protection of human rights and should continue to attract the attention of the international community,

Convinced also that through their own national, legal and judicial systems States must provide appropriate civil, criminal and administrative remedies for violations of human rights,

Recognizing the importance of the role that can be played by the High Commissioner/Centre for Human Rights in supporting national efforts to strengthen the institutions of the rule of law,

Bearing in mind that, in its resolution 48/141 of 20 December 1993, the General Assembly entrusted the United Nations High Commissioner for Human Rights with, inter alia, providing, through the Centre for Human Rights and other appropriate institutions, advisory services and technical and financial assistance in the field of human rights, enhancing international cooperation for the promotion and protection of all human rights and coordinating human rights activities throughout the United Nations system,

Recalling the recommendation of the World Conference on Human Rights that a comprehensive programme be established within the United Nations and under the coordination of the High Commissioner/Centre for Human Rights with a view to helping States in the task of building and strengthening adequate national structures which have a direct impact on the overall observance of human rights and the maintenance of the rule of law,

Recalling also its resolution 1996/56 of 19 April 1996 and General Assembly resolution 51/96 of 12 December 1996,

1. *Takes note with satisfaction* of the report of the Secretary-General to the General Assembly (A/51/555), submitted in conformity with Assembly resolution 50/179 of 22 December 1995;

2. *Takes note with interest* of the proposals contained in the report of the Secretary-General for strengthening the programme of advisory services and technical assistance of the High Commissioner/Centre for Human Rights in order to comply fully with the recommendations of the World Conference on Human Rights concerning assistance to States in strengthening their institutions which uphold the rule of law;

3. *Praises* the efforts made by the United Nations High Commissioner for Human Rights and the Centre for Human Rights to accomplish their ever-increasing tasks with the limited financial and personnel resources at their disposal;

4. *Expresses its deep concern* at the scarcity of means at the disposal of the High Commissioner/Centre for Human Rights for the fulfilment of their tasks;

5. *Notes* that the programme of advisory services and technical assistance does not have sufficient funds to provide any substantial financial assistance to national projects that have a direct impact on the realization of human rights and the maintenance of the rule of law in countries that are committed to those ends, but which face economic hardship;

6. *Affirms* that the High Commissioner, with the assistance of the Centre, remains the focal point for coordinating system-wide attention for human rights, democracy and the rule of law;

7. *Welcomes* the consultations and contacts initiated by the High Commissioner with other relevant bodies and programmes of the United Nations system aiming at the enhancement of inter-agency coordination and cooperation in providing assistance for the strengthening of the rule of law;

8. *Encourages* the High Commissioner to pursue those consultations, taking into account the need to explore new synergies with other organs and agencies of the United Nations system with a view to obtaining increased financial assistance for human rights and the rule of law;

9. *Also encourages* the High Commissioner to continue to explore the possibility of further contact with and support from financial institutions, acting within their mandates, with a view to obtaining technical and financial means to strengthen the capacity of the Centre to provide assistance to national projects aiming at the realization of human rights and the maintenance of the rule of law;

10. *Requests* the High Commissioner to accord high priority to the technical cooperation activities undertaken by the Centre with regard to the rule of law;

11. *Takes note with appreciation* of the proposal of the High Commissioner to convene a high-level meeting of relevant United Nations agencies and programmes in order to analyse means, modalities, financing and

allocation of responsibilities for the implementation of a comprehensive United Nations programme of assistance for the rule of law, taking into account the experience of the technical cooperation programme of the Centre;

12. Decides to continue its consideration of the question of assistance to States in strengthening the rule of law at its fifty-fifth session in the light of the report to be submitted by the Secretary-General to the General Assembly at its fifty-second session pursuant to Assembly resolution 51/96 as well as any relevant information that might be provided by the High Commissioner for Human Rights on this matter.

58th meeting
11 April 1997
[Adopted without a vote. See chap. XVIII.]

1997/49 Situation of human rights in Cambodia

The Commission on Human Rights,

Guided by the purposes and principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Recalling the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict signed in Paris on 23 October 1991, including Part III relating to human rights,

Recalling its resolution 1996/54 of 19 April 1996, General Assembly resolution 51/98 of 12 December 1996 and previous relevant resolutions, including Commission resolution 1993/6 of 19 February 1993, in which it requested the Secretary-General to appoint a special representative in Cambodia, and the subsequent appointment of a special representative,

Bearing in mind the role and responsibilities of the United Nations and the international community in the process of the rehabilitation and reconstruction of Cambodia,

Recognizing that the tragic recent history of Cambodia requires special measures to ensure the promotion and protection of the human rights of all people in Cambodia and the non-return to the policies and practices of the past, as stipulated in the Agreement signed in Paris in 1991,

Desiring that the United Nations respond positively, within existing resources, to assist efforts to investigate Cambodia's tragic recent history, including responsibility for past international crimes, such as acts of genocide and crimes against humanity,

Commending the ongoing efforts of the office of the Centre for Human Rights in Cambodia in supporting and assisting the Government of Cambodia, as well as assisting non-governmental organizations and others involved in the promotion and protection of human rights in cooperation with the Government of Cambodia, *Welcoming and encouraging* the efforts of individuals, non-governmental organizations, Governments and international organizations involved in human rights activities in Cambodia,

Welcoming the understanding reached between the Special Envoy of the Secretary-General and the Government of Cambodia in May 1995 regarding increased consultations between the Centre for Human Rights and the Government of Cambodia,

1. *Requests* the Secretary-General, through his Special Representative for human rights in Cambodia, in collaboration with the Centre for Human Rights, to assist the Government of Cambodia in ensuring the protection of the human rights of all people in Cambodia and to ensure adequate resources, from within existing resources, for the enhanced functioning of the operational presence in Cambodia of the Centre for Human Rights;

2. *Welcomes* the report of the Secretary-General on the role of the Centre for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights (E/CN.4/1997/84);

3. *Also welcomes* the continuing role of the United Nations High Commissioner for Human Rights in the promotion and protection of human rights in Cambodia and the signing of a memorandum of understanding with the Government of Cambodia in March 1996 to allow the office of the Centre for Human Rights to continue operating for the next two years and to maintain its technical cooperation programmes;

4. *Takes note with appreciation* of the report of the Special Representative on the situation of human rights in Cambodia (E/CN.4/1997/85), in particular his concerns about the rule of law, the independence of the judiciary, the problem of impunity, the ill-treatment of prisoners, labour rights, child prostitution and trafficking, freedom of expression and the promotion of an effective functioning multi-party democracy;

5. *Welcomes* the efforts made by the Government of Cambodia to promote and protect human rights, especially in establishing a mechanism through its National Assembly Commission on Human Rights and Receipt of Complaints for investigating alleged human rights violations, the adoption of the new labour law, and in the area of human rights education;

6. *Notes with concern* the lack of response by the Government of Cambodia to several of the recommendations contained in the Special Representative's previous report (E/CN.4/1996/93) and urges that it respond as soon as possible, and requests the Special Representative, in collaboration with the office in Cambodia of the Centre for Human Rights, to continue his evaluation of the extent to which the recommendations made by the Special Representative in his report, and those contained in his previous report, are followed up and implemented;

7. *Requests* the Secretary-General to provide all necessary resources, from within the regular budget of the United Nations, to enable the Special Representative to continue to fulfil his tasks expeditiously;

8. *Notes with serious concern* the Special Representative's strong criticism of the system of justice in Cambodia, urges the Government of

Cambodia to increase its efforts to create a functioning and impartial system of justice, including convening the Supreme Council of Magistracy, and, in the area of prisons, strongly urges the Government of Cambodia to institute a system to guarantee the essential sustenance of prisoners and to continue its efforts to improve the physical environment of prisons;

9. _Expresses serious concern_ at the comments made by the Special Representative concerning the continuing problem of impunity whereby the courts are reluctant or unable to charge members of the military, police and other security forces with serious criminal offences, and encourages the Government of Cambodia, as a matter of critical and urgent priority, to address the problem of impunity, including the repeal of article 51 of the 1994 Law on Civil Servants, which in effect places the military and police and other government officials above the principle of equality before the law;

10. _Expresses grave concern_ about numerous instances of violations of human rights, including extrajudicial executions, torture, including rape, illegal arrest and detention, as detailed in the reports of the Special Representative and his predecessor, and calls upon the Government of Cambodia to prosecute, in accordance with due process of the law and international standards relating to human rights, all those who have perpetrated human rights violations;

11. _Welcomes_ the efforts by the Government of Cambodia to promote peace, strongly urges the remaining Khmer Rouge to cease fighting, reiterates concern about serious abuses committed by remaining Khmer Rouge, including the taking and killing of hostages, and demands that any hostages be released immediately;

12. _Requests_ the Secretary-General, through his Special Representative for human rights in Cambodia, in collaboration with the Centre for Human Rights, to examine any request by Cambodia for assistance in responding to past serious violations of Cambodian and international law as a means of bringing about national reconciliation, strengthening democracy and addressing the issue of individual accountability;

13. _Calls upon_ the Government of Cambodia to investigate cases of violence and intimidation directed at political parties and their supporters, as well as against media personnel and offices, and to bring to justice those responsible;

14. _Strongly condemns_ the violence in Phnom Penh on 30 March 1997 against participants in a peaceful and lawful opposition rally exercising their democratic rights and which resulted in numerous deaths and injuries, and calls upon the Government of Cambodia to take immediate and effective measures to uphold the rule of law in order to prevent the recurrence of such an outrage and to bring the perpetrators to justice;

15. _Notes_ that communal elections are due to be held in 1997 and National Assembly elections in 1998, and strongly urges the Government of Cambodia to promote and uphold the effective functioning of multi-party democracy, including the right to form political parties, stand for election, take part freely in a representative Government and freedom of expression, in accordance with the principles set out in paragraphs 2 and 4 of annex 5 to the Agreement signed in Paris on 23 October 1991;

16. *Welcomes* the proposed measures outlined by the Government of Cambodia in its comments (A/51/453/Add.1) on the report of the Secretary-General to the General Assembly at its fifty-first session (A/51/453) to ensure that the forthcoming communal and national elections are free and fair, and emphasizes the need for the legislative framework for the elections to be agreed upon and adopted by the National Assembly, for the security forces to remain neutral during the election campaign, for free and equal access to the media, for the individual vote to be confidential, for local and international observers to be welcomed, and for all parties to agree to accept the outcome;

17. *Strongly encourages* the Government of Cambodia to establish an independent body to supervise the holding of the elections, to ensure that the elections are free and fair and to ensure that the Constitutional Council will be convened in order to resolve election disputes;

18. *Requests* the Secretary-General to consider favourably, within existing United Nations resources, any request from the Government of Cambodia for assistance with the holding of the elections in Cambodia;

19. *Commends* the Government of Cambodia for its constructive approach to the inclusion of Cambodian non-governmental human rights organizations in the rehabilitation and reconstruction of Cambodia, and recommends that their skills be drawn on to assist in ensuring that the forthcoming elections are free and fair;

20. *Urges* the Government of Cambodia to give priority attention to combating child prostitution and trafficking and, in this connection, to work with the office in Cambodia of the Centre for Human Rights, the United Nations Children's Fund and non-governmental organizations to develop an action plan;

21. *Calls upon* the Government of Cambodia to ensure the full observance of human rights for all persons within its jurisdiction in accordance with the International Covenants on Human Rights and other human rights instruments to which Cambodia is a party;

22. *Recognizes* the seriousness with which the Government of Cambodia has approached the preparation of its initial reports to the relevant treaty bodies and welcomes the submission of Cambodia's second report to the Committee on the Elimination of Racial Discrimination (CERD/C/292/Add.2), and encourages the Government to continue its efforts to meet its reporting obligations under international human rights instruments, drawing on the assistance of the office in Cambodia of the Centre for Human Rights;

23. *Encourages* the Government of Cambodia to request the Centre for Human Rights to provide advice and technical assistance with respect to the creation of an independent national institution for the promotion and protection of human rights;

24. *Notes with appreciation* the use by the Secretary-General of the United Nations Trust Fund for a Human Rights Education Programme in Cambodia to finance the programme of activities of the office in Cambodia of the Centre for Human Rights as defined in resolutions of the General Assembly and the

Commission on Human Rights, and invites Governments, intergovernmental and non-governmental organizations, foundations and individuals to consider contributing to the Trust Fund;

25. Requests the Centre for Human Rights, in cooperation with the relevant specialized agencies and development programmes, to develop and implement programmes, with the consent and cooperation of the Government of Cambodia, in the priority areas identified by the Special Representative, paying particular attention to vulnerable groups, including women, children, disabled persons and minorities;

26. Expresses grave concern at the devastating consequences and destabilizing effects of the indiscriminate use of anti-personnel landmines on Cambodian society, encourages the Government of Cambodia to continue its support and efforts for the removal of these mines, and urges the Government of Cambodia to ban all anti-personnel landmines;

27. Requests the Secretary-General to report to the Commission on Human Rights at its fifty-fourth session on the role of the Centre for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights and on the recommendations made by the Special Representative on matters within his mandate;

28. Decides to continue its consideration of the situation of human rights in Cambodia at its fifty-fourth session, under the agenda item entitled "Advisory services in the field of human rights".

58th meeting
11 April 1997
[Adopted without a vote. See chap. XVIII.]

1997/50. Question of arbitrary detention

The Commission on Human Rights,

Reaffirming articles 3, 9, 10 and 29 as well as other relevant provisions of the Universal Declaration of Human Rights,

Recalling articles 9, 10, 11 and 14 to 22 of the International Covenant on Civil and Political Rights,

Taking particular account of the principle of the independence of the judiciary,

Recalling its resolutions 1991/42 of 5 March 1991, 1992/28 of 28 February 1992, 1993/36 of 5 March 1993, 1994/32 of 4 March 1994, 1995/59 of 7 March 1995 and 1996/28 of 19 April 1996,

Bearing in mind that, in accordance with resolution 1991/42, the task of the Working Group on Arbitrary Detention is to investigate cases of detention imposed arbitrarily or otherwise inconsistently with the relevant international standards set forth in the Universal Declaration of Human Rights or in the relevant international legal instruments accepted by the States concerned, Having considered the report of the Working Group on Arbitrary Detention (E/CN.4/1997/4 and Add.1-3),

1. Takes note:

(a) Of the work of the Working Group on Arbitrary Detention and its efforts to revise its methods of work, and underlines the initiatives it has taken to strengthen cooperation and dialogue with States and for the establishment of cooperation with all those concerned by the cases submitted to it for consideration, in accordance with its mandate;

(b) Of the importance that the Working Group attaches to coordination with other mechanisms of the Commission on Human Rights and other relevant United Nations bodies and treaty-monitoring bodies, as well as to strengthening the role of the High Commissioner/Centre for Human Rights in such coordination, and encourages the Working Group to take all the necessary steps to avoid duplication with those mechanisms, in particular regarding the treatment of the communications it receives and field visits;

(c) Of the report of the Working Group;

2. Invites the Working Group, in discharging its mandate, to continue:

(a) To seek and gather information from Governments and intergovernmental and non-governmental organizations, as well as from the individuals concerned, their families or their legal representatives;

(b) To re-examine its methods of work, in particular those relating to the admissibility of communications received, to the "urgent appeals" procedure and to the deadlines set for Governments to reply to requests concerning individual cases, and, in the application of the 90-day deadline for replies, to show flexibility as appropriate by granting an extension of this deadline where necessary without, however, prejudging its final conclusions, and to report regularly to the Commission, in its annual report, on these matters;

(c) To carry out its task with discretion, objectivity, impartiality and independence, within the framework of its mandate, and the independent experts to continue to perform their task with rigour, having regard to the very specific nature of their mandate, and to respond effectively to credible and reliable information that comes before them;

(d) To take gender-specificity into account in its reports, including by giving particular attention to the situation of women subjected to arbitrary deprivation of liberty;

3. Considers that the Working Group, within the framework of its mandate, and aiming still at objectivity, could take up cases on its own initiative;

4. *Requests* the Working Group to devote all necessary attention to reports concerning the situation of immigrants and asylum seekers who are allegedly being held in prolonged administrative custody without the possibility of administrative or judicial remedy, and to include observations on this question in its report to the next session of the Commission on Human Rights;

5. *Takes note* of the decision taken by the Working Group not to apply the International Covenant on Civil and Political Rights to States which are not yet parties thereto and requests the Working Group, as announced by its Chairman/Rapporteur in the plenary of the fifty-third session of the Commission, not to apply other relevant international legal instruments to States which are not yet parties thereto;

6. *Appeals*, in this connection, to States which have not yet done so to consider acceding to or ratifying those international instruments, and to States which have entered reservations to consider withdrawing them;

7. *Takes note also* of the decision of the Working Group, as announced by its Chairman/Rapporteur in the plenary of the fifty-third session of the Commission, to give views rather than take decisions;

8. *Requests* Governments concerned to take account of the Working Group's views and, where necessary, to take appropriate steps to remedy the situation of persons arbitrarily deprived of their liberty and to inform the Working Group of the steps they have taken;

9. *Encourages* Governments concerned:

(a) To pay attention to the recommendations of the Working Group concerning persons mentioned in its report who have been detained for a number of years;

(b) To take appropriate measures in order to ensure that their legislation in these fields is in conformity with the relevant international standards and the relevant international legal instruments applicable to the States concerned, and not to extend states of emergency beyond what is strictly required by the situation, or to limit their effects;

10. *Encourages* all Governments to invite the Working Group to visit their countries in order that it may fulfil its mandate even more effectively;

11. *Requests* Governments concerned to give the necessary attention to the "urgent appeals" addressed to them by the Working Group on a strictly humanitarian basis and without prejudging its final conclusions;

12. *Expresses its profound thanks* to Governments which have extended their cooperation to the Working Group and responded to its requests for information, and invites all Governments concerned to demonstrate the same spirit of cooperation;

13. *Welcomes* the fact that the Working Group has been informed of the release of many individuals whose situation had been brought to its attention;

14. Requests the Secretary-General:

(a) To extend his assistance to Governments expressing the wish to receive it, as well as to special rapporteurs and working groups, with a view to ensuring promotion and observance of the guarantees relating to states of emergency that are laid down in the relevant international instruments;

(b) To ensure that the Working Group receives all necessary assistance, particularly in regard to staffing and resources, needed to discharge its mandate, and notably with respect to field missions;

15. Decides to renew, for a three-year period, the mandate of the Working Group, composed of five independent experts entrusted with the task of investigating cases of deprivation of liberty imposed arbitrarily, provided that no final decision has been taken in such cases by domestic courts in conformity with domestic law, with the relevant international standards set forth in the Universal Declaration of Human Rights and with the relevant international instruments accepted by the States concerned;

16. Requests the Working Group to submit to it, at its fifty-fourth session, a report on its activities and on the implementation of the present resolution, and to include any suggestions and recommendations which would enable it to discharge its task in the best possible way, and to continue its consultations to that end within the framework of its terms of reference;

17. Decides to continue its consideration of the question at its fifty-fourth session under the agenda item entitled "Question of the human rights of all persons subjected to any form of detention or imprisonment".

64th meeting
15 April 1997
[Adopted without a vote. See chap. VIII.]

1997/51. Assistance to Guatemala in the field of human rights

The Commission on Human Rights,

Deeply gratified by the signing of the Agreement on a Firm and Lasting Peace by the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG) on 29 December 1996, which brought an end to the period of the most serious violations of human rights and to the internal armed conflict and concluded the negotiation process,

Recognizing the importance of the role played in these negotiations by the moderator appointed by the Secretary-General and the importance of the participation of the Group of Friendly Countries composed of Colombia, Mexico, Norway, Spain, the United States of America and Venezuela, as well as the valuable contributions of the Civil-Society Assembly and other national and international actors,

Encouraged by the measures already taken by the signatories of the peace agreements to give effect to those agreements, such as the creation of the

Follow-up Commission, the actions of the Guatemalan Government, the demobilization of URNG combatants under the supervision of the United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala (MINUGUA) within a period of 60 days beginning on 3 March 1997, as established in the timetable adopted for the implementation of the agreements from January 1997 to 31 December 2000, and the proper observance of the timetable,

Encouraged also by the international support for the Guatemalan peace process, both in political terms, with the approval by the Security Council on 20 January 1997 of the formation of a military component of MINUGUA to verify the definitive ceasefire and the recent extension of MINUGUA's mandate in March 1997, and in economic terms, with the approval of funds for cooperation in implementing the commitments made in the peace agreements, at the meeting of the Donor Consultative Group held in Brussels on 21 and 22 January 1997,

Having considered with satisfaction the report of the independent expert, Ms. Mónica Pinto (E/CN.4/1997/90), and having studied its conclusions and recommendations, and expressing its gratitude to the independent expert for her report and for the way in which she has discharged her mandate, as well as to MINUGUA for the reports submitted to the Secretary-General,

Concerned by the fact that violations of human rights and acts of violence continue to occur, in which, in some cases, members of the armed and security forces and other government officials participated, although the policies and actions of the Government are opposed to such acts and seek to put an end to them,

Regretting the human rights violations, both individual and collective, the marginalization and the discrimination that the indigenous populations in Guatemala suffered and are suffering, together with the continued deterioration of the economic and social situation, with its serious consequences for the great majority of the population, particularly for the indigenous peoples of Guatemala and the most vulnerable sectors of Guatemalan society,

1. Expresses its deep appreciation to the Government of Guatemala and URNG for their extraordinary efforts in concluding the peace negotiations in 1996, to the moderator appointed by the Secretary-General for his invaluable contribution, to the Group of Friendly Countries for their efforts in advancing the peace process and bringing it to a successful conclusion and to the Civil-Society Assembly for its valuable contribution to the drawing up of the agreements signed;

2. Recognizes the efforts of the Guatemalan Government in the field of human rights and encourages it to apply the necessary urgent measures to consolidate democratic institutions and to protect and promote human rights and fundamental freedoms, taking into account the recommendations of the independent expert, the contributions of MINUGUA and the commitments made in the peace agreements on the basis of the timetable for their implementation;

3. Regrets that, notwithstanding the efforts of the Government and the extraordinary developments in the area of peace, acts of violence persist,

including violations of the right to life and physical integrity, and that impunity also continues to exist, and expresses its concern that the National Reconciliation Act might be used as an instrument for granting impunity to State officials involved in serious violations of human rights and criminal acts committed in the armed conflict;

4. *Recognizes* the work done by the Human Rights Procurator in the defence of human rights and fundamental freedoms and exhorts the Government of Guatemala to guarantee the conditions for the strengthening of his activities through the adoption of legislative measures to enable him to participate in judicial proceedings relating to human rights violations;

5. *Recognizes also* the valuable role played by the non-governmental human rights organizations in defending and promoting human rights and in combating impunity for violators of human rights and requests the Government to facilitate their activities and the use of advisory services in the field of human rights;

6. *Expresses its confidence* that the Government of Guatemala, URNG and all those responsible for compliance with the peace agreements will take steps to fulfil the commitments made, in strict accordance with the timetable for the implementation of the peace agreements and on the basis of the spirit and letter of the Agreement on a Firm and Lasting Peace, following the recommendations and guidelines of the Follow-up Commission;

7. *Is confident* that the Commission to clarify past human rights violations and acts of violence that have caused the Guatemalan people to suffer, coordinated by Mr. Christian Tomuschat, will begin its work as soon as possible, and requests the international community and the Government of Guatemala to extend full cooperation to that Commission, including access to any confidential information, and provide it with the necessary resources and time needed to carry out its mandate in accordance with the relevant agreements;

8. *Calls upon* the Government of Guatemala, URNG and Guatemalan society as a whole to make every possible effort to familiarize the Guatemalan people with the content of the peace agreements as quickly as possible, to ensure the full participation of the people in building the new multi-ethnic, multicultural and plurilingual nation, establishing a democratic society with social justice, initiating a period of sustained and sustainable economic and social development and ensuring the pre-eminence of civilian authority in national decision-making;

9. *Also calls upon* the Government of Guatemala to continue, on the basis of the Agreement on a Firm and Lasting Peace and in accordance with its timetable, to adopt and develop concrete measures against extreme poverty, using national resources and with international support, with a view to enabling the population to attain better living standards, giving priority to economic and social development programmes which respond adequately to the most urgent needs of the Guatemalan people in general and the indigenous communities in particular;

10. Further calls upon the Government of Guatemala, in order to preserve broad support for the peace agreements and foster enthusiasm for compliance with them, to seek dialogue with all sectors and to use concertation as a way of resolving social and economic conflicts, particularly those relating to the tenure and use of land and those affecting the rights of workers;

11. Requests the Congress of the Republic to conduct its legislative work with the firm resolve of adhering to the letter, spirit and overall perspective of the peace agreements and to seek the broadest possible consensus for the adoption of laws, both those deriving from the peace agreements and ordinary laws, so as to ensure that they become effective instruments for the transformation of the State and society provided for in the agreements;

12. Requests the judicial authorities, in coordination with the Executive Power, the Congress of the Republic and the Commission on the Strengthening of the Justice System, to expedite the restructuring and consolidation of the judicial system on the basis of the peace agreements and their timetable, so as to fully guarantee the rule of law, the application of justice, unconditional observance of human rights and the elimination of impunity, particularly for violators of human rights;

13. Welcomes with satisfaction the signing of the agreement on the provision of advisory services in the field of human rights between the Government of Guatemala and the High Commissioner/Centre for Human Rights, and requests the Secretary-General to develop as quickly as possible specific programmes for the strengthening and development of governmental and non-governmental human rights organizations, using the resources provided for in the agreement;

14. Expresses its deepest appreciation to the independent expert, Ms. Mónica Pinto, for the professional, competent and independent manner in which she has discharged her mandate and regrets her resignation presented to the Secretary-General in March this year;

15. Requests the Secretary-General to send a mission to Guatemala at the end of 1997, within the approved overall budget for the current biennium, to submit a report to the Commission on Human Rights at its fifty-fourth session on the evolution of the situation of human rights in Guatemala in the light of the implementation of the peace agreements, taking into account the verification work done by MINUGUA and the information submitted by the Government of Guatemala, the Follow-up Commission on compliance with the peace agreements, the political organizations and the non-governmental human rights organizations, as well as on the implementation of the agreement on the provision of advisory services in the field of human rights signed by the Government of Guatemala and the United Nations High Commissioner for Human Rights, with a view to concluding the consideration of the case of Guatemala in the agenda of the Commission;

16. *Decides* to consider this question at its next session under the agenda item entitled "Advisory services in the field of human rights".

64th meeting
15 April 1997
[Adopted without a vote. See chap. XVIII.]

1997/52. *Situation of human rights in Haiti*

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reaffirming that all Member States have the obligation to promote human rights and to fulfil the obligations they have undertaken under the various instruments in this field,

Recalling its resolution 1996/58 of 19 April 1996 and General Assembly resolution 51/110 of 12 December 1996,

Having in mind the report of the independent expert, Mr. Adama Dieng, appointed to consider the development of the human rights situation in Haiti and to verify compliance by that country with its obligations in that field (E/CN.4/1997/89), and the recommendations contained therein,

Acknowledging the work done by the International Civilian Mission to Haiti, the United Nations Support Mission in Haiti and the National Commission for Truth and Justice in the field of the diffusion of democratic principles and respect for human rights,

Welcoming the extension by the General Assembly in resolution 50/86 C of 29 August 1996 of the mandate of the International Civilian Mission to Haiti,

Welcoming the improvements in the situation of human rights in Haiti, and noting the statements by Haitian authorities that the Government of Haiti remains committed to upholding such rights,

Drawing attention to the need for the Haitian National Police to receive technical training to enable it to perform its functions efficiently,

Emphasizing the need to strengthen the Haitian judicial and penitentiary system, particularly by the development of a broad programme of civic education and training in human rights and the introduction of legal services in rural areas,

Expressing concern at the reports of cases of illegal and arbitrary detention, Welcoming warmly the request for technical assistance and advisory services in the field of human rights addressed by the Government of Haiti to the High Commissioner/Centre for Human Rights,

Expressing its satisfaction at the invitation to visit Haiti addressed by the Government of Haiti to the Special Rapporteur of the Commission on Human Rights on violence against women,

1. Thanks the Secretary-General and his Special Representative for the work done with a view to consolidating democratic Haitian institutions and respect for human rights in that country;

2. Welcomes the satisfactory evolution of the political process in Haiti, as reflected in particular in the holding of five elections that culminated with the presidential elections of 17 December 1995, which permitted the first transfer of power between two democratically elected Presidents, and takes note of the partial parliamentary elections held on 6 April 1997;

3. Takes note with gratitude of the report of Mr. Adama Dieng, independent expert of the Commission on Human Rights on the situation of human rights in Haiti (E/CN.4/1997/89), and of the conclusions and recommendations contained therein;

4. Welcomes the report of the National Commission for Truth and Justice, as well as the reports of the International Civilian Mission to Haiti on Haitian justice and respect for human rights by the National Police of that country, and urges the Government of Haiti, with the support of the international community, to take the necessary measures in accordance with the recommendations contained therein;

5. Recognizes the importance, from the standpoint of the realization of a genuine and effective transition and national reconciliation process, of the investigations undertaken by the National Commission for Truth and Justice and requests the Government of Haiti to have that Commission's report widely distributed throughout the country;

6. Requests the General Assembly to study the possibility of extending the mandate of the International Civilian Mission to Haiti which expires in July 1997;

7. Encourages the continuation of the inclusion of ethics courses in police training programmes and takes note of the work of the general inspectorate to investigate human rights abuses perpetrated by members of the police with a view to strengthening reforms and putting an end to impunity;

8. Requests the Haitian Government to adopt a civics education programme to promote the creation of confidence between the population and the National Police;

9. Expresses its concern at the security problems faced by Haitian society, some of which are due to the difficult social and economic conditions characteristic of that society in recent times;

10. *Requests* the Government of Haiti to adopt urgent measures to ensure respect for judicial guarantees, thereby putting an end to cases of illegal and arbitrary detention;

11. *Supports* the reform of the judicial system at present being carried out by the Government of Haiti, which includes training in international humanitarian law and human rights, and emphasizes its priority in the framework of the bilateral or multilateral assistance provided by the international community, including the United Nations Development Programme;

12. *Encourages* the international community to contribute generously to the Trust Fund for the Haitian National Police to be used, in accordance with the request of the Government of Haiti, to develop a technical advisory programme;

13. *Welcomes* the establishment of the programme of technical cooperation by the High Commissioner/Centre for Human Rights aimed at strengthening institutional capacity in respect of human rights, particularly in the areas of legislative reform, the training of justice administration personnel and human rights education, and requests the Secretary-General to submit a report on the implementation of this programme to the Commission on Human Rights at its fifty-fourth session;

14. *Invites* the independent expert to inform the General Assembly at its fifty-second session and the Commission on Human Rights at its fifty-fourth session about the development of the human rights situation in Haiti;

15. *Invites* the international community, including the Bretton Woods institutions, to continue their involvement in the reconstruction and development of Haiti, having regard to the fragility of the political, social and economic situation of the country;

16. *Encourages* the Government of Haiti to consider ratifying the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the Optional Protocols to the International Covenant on Civil and Political Rights, and to submit without delay its report to the Human Rights Committee;

17. *Also encourages* the Government of Haiti to study the possibility of establishing, with the assistance of the High Commissioner/Centre for Human Rights, a national institution for the promotion and protection of human rights with the greatest possible participation of civil society;

18. *Invites* the Special Rapporteur on violence against women to consider favourably the invitation by the Government of Haiti to visit the country;

19. *Decides* to continue consideration of this question at its fifty-fourth session under the item entitled "Advisory services in the field of human rights".

64th meeting
15 April 1997
[Adopted without a vote. See chap. XVIII.]

1997/53. *Situation of human rights in Nigeria*

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Mindful that Nigeria is a party to the International Covenants on Human Rights and the International Convention on the Elimination of All Forms of Racial Discrimination,

Recalling previous resolutions of the General Assembly and the Commission on Human Rights, most recently General Assembly resolution 51/109 of 12 December 1996 and Commission resolution 1996/79 of 23 April 1996,

1. *Welcomes*:

(a) The report on the situation of human rights in Nigeria submitted jointly by the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the independence of judges and lawyers and the addendum thereto (E/CN.4/1997/62 and Add.1);

(b) The declared commitment by the Government of Nigeria to civilian rule, multi-party democracy and freedom of assembly, press and political activity, and recalling in this regard the declaration by the Government of 1 October 1995;

(c) The commitment by the Government of Nigeria to remove all military personnel from the Civil Disturbances Tribunal and the special tribunals, to establish the opportunity for appeal and to re-establish the system of habeas corpus, and to allow the National Human Rights Commission to investigate human rights abuses;

(d) The resumption of dialogue between Nigeria and the Commonwealth;

2. *Expresses its deep concern*:

(a) At continuing violations of human rights and fundamental freedoms in Nigeria, including arbitrary detention, as well as failure to respect due process of law;

(b) That additional persons among those detained in Nigeria are to be tried by the same flawed judicial process which led to the arbitrary execution of Ken Saro-Wiwa and his associates;

(c) That the Government of Nigeria, despite earlier commitments, refuses to cooperate with the Commission, which prevented the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the independence of judges and lawyers from visiting Nigeria;

(d) That the absence of representative government in Nigeria has led to violations of human rights and fundamental freedoms and is contrary to the popular support for democratic government as evidenced in the 1993 elections;

3. Calls upon the Government of Nigeria:

(a) To ensure the observance of human rights and fundamental freedoms, including by respecting the right to life, by releasing all political prisoners, trade union leaders, human rights advocates and journalists currently detained, by improving conditions of detention and by guaranteeing respect for the rights of individuals, including persons belonging to minorities;

(b) To abide by its freely undertaken obligations under the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and other human rights instruments, including the African Charter on Human and Peoples' Rights, and notes with interest in this regard the recommendations of the Human Rights Committee to the Government of Nigeria (CCPR/C/79/Add.65);

(c) To ensure that all trials are held fairly and promptly and in strict conformity with international human rights standards;

(d) To ensure the independence of the National Human Rights Commission;

(e) To implement fully its interim undertakings to the Secretary-General without further delay and to respond in full to the recommendations of the Secretary-General's mission to Nigeria;

(f) To cooperate fully with the Commission and its mechanisms;

(g) To take concrete steps to restore democratic government without delay;

4. Decides:

(a) To invite the Chairman of the Commission to appoint, after consultations with the Bureau, a special rapporteur on the situation of human rights in Nigeria, with a mandate to establish direct contacts with the authorities and the people of Nigeria, and requests the special rapporteur to report to the General Assembly at its fifty-second session and to the

Commission at its fifty-fourth session, on the basis of any information which might be gathered, and to keep a gender perspective in mind when seeking and analysing information;

(b) To request the Secretary-General, in the discharge of his good offices mandate and in cooperation with the Commonwealth, to continue further discussions with the Government of Nigeria and to report on progress in the implementation of the present resolution and possibilities for the international community to lend practical assistance to Nigeria in achieving the restoration of democratic rule and the full enjoyment of human rights and fundamental freedoms;

(c) To continue its consideration of the situation of human rights and fundamental freedoms in Nigeria at its fifty-fourth session under the agenda item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

58th meeting
15 April 1997
[Adopted by a roll-call vote of 28 votes to 6, with 19 abstentions. See chap. X.]

1997/54. Situation of human rights in the Islamic Republic of Iran

The Commission on Human Rights,

Reaffirming that all States Members of the United Nations have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Mindful that the Islamic Republic of Iran is a party to the International Covenants on Human Rights,

Recalling previous resolutions of the General Assembly and the Commission on Human Rights on the subject, the most recent of which are Assembly resolution 51/107 of 12 December 1996 and Commission resolution 1996/84 of 24 April 1996,

1. Welcomes:

(a) The report of the Special Representative of the Commission (E/CN.4/1997/63);

(b) The request by the Government of the Islamic Republic of Iran for technical assistance and advisory services from the High Commissioner/Centre for Human Rights;

2. *Expresses its concern*:

(a) At the continuing violations of human rights in the Islamic Republic of Iran, in particular the large number of executions in the apparent absence of respect for internationally recognized safeguards, cases of torture and cruel, inhuman or degrading treatment or punishment, including amputation and public executions, the failure to meet international standards in the administration of justice and the absence of due process of law;

(b) At the grave breaches of the human rights of the Baha'is in the Islamic Republic of Iran and situations of discrimination against the members of this religious community, as well as at the discriminatory treatment of minorities by reason of their religious beliefs, including certain Christian minorities, some members of which have been the targets of intimidation and assassination;

(c) At the lack of continuity in the cooperation of the Government with the mechanisms of the Commission on Human Rights;

(d) At the continuing threat to the life of Mr. Salman Rushdie, as well as to individuals associated with his work, which appear to have the support of the Government of the Islamic Republic of Iran, and deeply regrets the increase announced in the bounty offered for the assassination of Mr. Rushdie by the 15 Khordad Foundation;

(e) At violations of the right to peaceful assembly and restrictions on the freedoms of expression, thought, opinion and the press, and the harassment and intimidation of writers and journalists seeking to exercise their freedom of expression, the arrest of the writer Faraj Sarkuhi being only the most recent example of such unacceptable practices;

(f) At the lack of full and equal enjoyment by women of human rights, while noting efforts to integrate women more fully into the political, economic and cultural life of the country;

3. *Calls upon* the Government of the Islamic Republic of Iran:

(a) To resume its cooperation with the mechanisms of the Commission on Human Rights, in particular with the Special Representative in order to allow him to continue his inquiry first-hand and to continue his dialogue with the Government;

(b) To abide by its freely undertaken obligations under the International Covenants on Human Rights and under other international instruments on human rights, and to ensure that all individuals within its territory and subject to its jurisdiction, including members of religious groups and persons belonging to minorities, enjoy all the rights enshrined in those instruments;

(c) To implement fully the recommendations of the Special Representative and the relevant recommendations of the Special Rapporteurs on religious intolerance and on freedom of opinion and expression, in particular the recommendations relating to the Baha'is, Christians, Sunni and other minority religious groups;

(d) To take effective measures to eliminate all discrimination against women, in law and in practice;

(e) To refrain from violence against members of the Iranian opposition living abroad and to cooperate wholeheartedly with the authorities of other countries in investigating and prosecuting offences reported by them;

(f) To provide satisfactory written assurances that it does not support or incite threats to the life of Mr. Rushdie;

(g) To ensure that capital punishment will not be imposed for apostasy or non-violent crimes, or in disregard of the provisions of the International Covenant on Civil and Political Rights and the United Nations safeguards;

4. Decides:

(a) To extend the mandate of the Special Representative, as contained in Commission resolution 1984/54 of 14 March 1984, for a further year, and requests the Special Representative to submit an interim report to the General Assembly at its fifty-second session and to report to the Commission at its fifty-fourth session, and to keep a gender perspective in mind when seeking and analysing information;

(b) To request the Secretary-General to continue to give all necessary assistance to the Special Representative to enable him to discharge his mandate fully;

(c) To continue its examination of the situation of human rights in the Islamic Republic of Iran, including the situation of minority groups such as the Baha'is, at its fifty-fourth session under the agenda item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

64th meeting
15 April 1997
[Adopted by a roll-call vote of 26 votes to 7,
with 19 abstentions. See chap. X.]

1997/55. Human rights situation in southern Lebanon and West Bekaa

The Commission on Human Rights,

Gravely concerned at the persistent practices of the Israeli occupation forces in southern Lebanon and West Bekaa, which constitute a violation of the principles of international law regarding the protection of human rights, in particular the Universal Declaration of Human Rights, as well as a grave violation of the relevant provisions of international humanitarian law as contained in the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the Fourth Hague Convention of 1907,

Reiterating its deep regret at the failure of Israel to implement Security Council resolutions 425 (1978) of 19 March 1978 and 509 (1982) of 6 June 1982,

Censuring the repeated Israeli aggressions in southern Lebanon and West Bekaa, and in particular the large-scale offensive launched in April 1996 which caused a large number of deaths and injuries among civilians, displaced thousands of families and destroyed many dwellings and public utilities,

Reaffirming that the continued occupation and practices of the Israeli forces constitute a violation of the relevant resolutions of the Security Council as well as of the will of the international community and the conventions in force on this matter,

Hoping that the efforts made in order to achieve peace in the Middle East will put an end to the violations of human rights that are being committed in the occupied zone in southern Lebanon and West Bekaa and that the peace negotiations will continue with a view to reaching a settlement of the Middle East conflict and achieving a just and comprehensive peace in the region,

Gravely concerned at the persistent detention by Israel of many Lebanese citizens in the detention centres of Khiyam and Marjayoun, and at the death of some of these detainees as a result of ill-treatment and torture,

Reaffirming its resolution 1996/68 of 23 April 1996, and expressing its deep regret at the failure of Israel to implement that resolution,

1. *Deplores* the continued Israeli violations of human rights in the occupied zone in southern Lebanon and West Bekaa, demonstrated in particular by the abduction and arbitrary detention of civilians, the destruction of their dwellings, the confiscation of their property, their expulsion from their land, the bombardment of peaceful villages and civilian areas, and other practices violating human rights;

2. *Calls upon* Israel to put an immediate end to such practices, consisting in air raids and the use of prohibited weapons such as fragmentation bombs, and to implement Security Council resolutions 425 (1978) of 19 March 1978 and 509 (1982) of 6 June 1982 requiring Israel's immediate, total and unconditional withdrawal from all Lebanese territories and respect for the sovereignty, independence and territorial integrity of Lebanon;

3. *Also calls upon* the Government of Israel, the occupying Power of territories in southern Lebanon and West Bekaa, to comply with the Geneva Conventions of 1949, in particular the Geneva Convention relative to the Protection of Civilian Persons in Time of War;

4. Further calls upon the Government of Israel, the occupying Power of territories in southern Lebanon and West Bekaa, to release immediately all the Lebanese who have been abducted and imprisoned and other persons detained in prisons and detention centres in the occupied territories in Lebanon in violation of all the Geneva Conventions and international law;

5. Affirms the obligation for Israel, the occupying Power of territories in southern Lebanon and West Bekaa, to commit itself to allowing the International Committee of the Red Cross and other international humanitarian organizations operating in the region to periodically visit the detention centres of Khiyam and Marjayoun and to verify the sanitary and humanitarian conditions of the detainees and, in particular, the circumstances which led to the death of some of them as a result of ill-treatment and torture;

6. Requests the Secretary-General:

(a) To bring the present resolution to the attention of the Government of Israel and to invite it to provide information concerning the extent of its implementation thereof;

(b) To report to the General Assembly at its fifty-second session and to the Commission on Human Rights at its fifty-fourth session on the results of his efforts in this regard;

7. Decides to continue its consideration of the human rights situation in southern Lebanon and West Bekaa at its fifty-fourth session.

64th meeting
15 April 1997
[Adopted by a roll-call vote of 51 votes to 1,
with 1 abstention. See chap. X.]

1997/56. Cooperation with representatives of United Nations human rights bodies

The Commission on Human Rights,

Reiterating its concern at the continued reports of intimidation and reprisals against private individuals and groups who seek to cooperate with the United Nations and representatives of its human rights bodies,

Also concerned at reports about incidents where private individuals have been hampered in their efforts to avail themselves of procedures established under United Nations auspices for the protection of human rights and fundamental freedoms,

Recalling its resolutions 1990/76 of 7 March 1990, 1991/70 of 6 March 1991, 1992/59 of 3 March 1992, 1993/64 of 10 March 1993, 1994/70 of 9 March 1994, 1995/75 of 8 March 1995 and 1996/70 of 23 April 1996, and taking note of the report of the Secretary-General on the question (E/CN.4/1997/50),

1. *Urges* Governments to refrain from all acts of intimidation or reprisal against:

(a) Those who seek to cooperate or have cooperated with representatives of United Nations human rights bodies, or who have provided testimony or information to them;

(b) Those who avail or have availed themselves of procedures established under United Nations auspices for the protection of human rights and fundamental freedoms and all those who have provided legal assistance to them for this purpose;

(c) Those who submit or have submitted communications under procedures established by human rights instruments;

(d) Those who are relatives of victims of human rights violations;

2. *Requests* all representatives of United Nations human rights bodies, as well as treaty bodies monitoring the observance of human rights, to continue to take urgent steps, in conformity with their mandates, to help prevent the hampering of access to United Nations human rights procedures in any way;

3. *Also requests* all representatives of United Nations human rights bodies, as well as treaty bodies monitoring the observance of human rights, to continue to take urgent steps, in conformity with their mandates, to help prevent the occurrence of such intimidation and reprisals;

4. *Further requests* such representatives and treaty bodies to continue to include in their respective reports to the Commission on Human Rights, the Sub-Commission on Prevention of Discrimination and Protection of Minorities or the General Assembly a reference to allegations of intimidation or reprisal and of hampering of access to United Nations human rights procedures, as well as an account of action taken by them in this regard;

5. *Requests* the Secretary-General to draw the attention of such representatives and treaty bodies to the present resolution;

6. *Invites* the Secretary-General to submit to the Commission at its fifty-fourth session a report containing a compilation and analysis of any available information, from all appropriate sources, on alleged reprisals against the persons referred to in paragraph 1 above;

7. *Decides* to consider the question again at its fifty-fourth session.

64th meeting
15 April 1997
[Adopted without a vote. See chap. X.]

1997/57. Situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)

The Commission on Human Rights,

Recalling all relevant resolutions of the Commission, the General Assembly and the Security Council on this subject, in particular its own resolutions 1992/S-1/1 of 14 August 1992, 1995/35 of 3 March 1995, 1995/89 of 8 March 1995 and 1996/71 of 23 April 1996, General Assembly resolution 51/116 of 12 December 1996 and Security Council resolutions 1031 (1995) of 15 December 1995, 1035 (1995) of 21 December 1995, 1079 (1996) of 15 November 1996 and 1088 (1996) of 12 December 1996,

Expressing its full support for the General Framework for Peace in Bosnia and Herzegovina (the "Framework Agreement") and the annexes thereto, initialled in Dayton, Ohio, United States of America, on 21 November 1995 and signed in Paris on 14 December 1995 (together, the "Peace Agreement"), which, inter alia, committed the parties in Bosnia and Herzegovina to respect fully human rights, and for the Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium, signed on 12 November 1995, and for Security Council resolution 1037 (1996) of 15 January 1996, which established the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium,

Welcoming the Agreement on Normalization of Relations between the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro), in particular article 7 thereof, which, inter alia, ensures conditions for the return of refugees and displaced persons and the return of their property or a just compensation, and in that context stressing the positive impact of mutual recognition agreements among successor States of the former Yugoslavia,

Reaffirming the territorial integrity of all States in the region, within their internationally recognized borders,

I

Introduction

1. Stresses the crucial role that human rights questions play in the success of the Peace Agreement, and underlines the obligations of the parties under the Framework Agreement to secure for all persons within their jurisdiction the highest level of international norms and standards of human rights and fundamental freedoms;

2. Commends the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) - together, "the countries of the mandate" - for her efforts, welcomes the reports of the Special Rapporteur and calls upon the Governments of and authorities in these States to continue to cooperate with and support the work of the Special Rapporteur, and to give immediate effect to her

recommendations, both present and past, and to provide her on a regular basis with information about the actions they are undertaking to implement her recommendations;

3. Commends the United Nations High Commissioner for Human Rights for his activities in the implementation of the Peace Agreement, in particular by developing and conducting training for international monitors, including for the Organization for Security and Cooperation in Europe and United Nations International Police Task Force missions; making available to the High Representative human rights experts; continuing to support the work of the Special Rapporteur and the expert in charge of the special process dealing with missing persons; and participating actively in the International Commission on Missing Persons in the Former Yugoslavia, and calls upon the United Nations and all States fully to support the High Commissioner in carrying out his activities;

4. Welcomes the efforts of the Organization for Security and Cooperation in Europe, the Council of Europe, the Human Rights Task Force and the Human Rights Coordination Centre of the Office of the High Representative, the European Union, the International Police Task Force and the United Nations High Commissioner for Human Rights in monitoring and strengthening the respect for human rights and fundamental freedoms in Bosnia and Herzegovina and the region;

5. Commends the efforts of host countries to offer shelter and provide refugees with humanitarian and other assistance;

II

Violations of human rights

6. Reaffirms in the strongest terms its previous condemnations of past violations of human rights in the countries of the mandate of the Special Rapporteur, in particular as stated in its resolution 1996/71;

7. Expresses its serious concern about continuing human rights violations within the countries of the mandate and the delays in fully implementing the human rights provisions of the Peace Agreement;

8. Condemns in the strongest terms the continued forcible expulsion of individuals from their homes in Bosnia and Herzegovina and the practice of destroying the homes of those previously forcibly expelled, and calls for the immediate arrest and punishment of individuals engaged in these actions;

9. Condemns the continuing restrictions on freedom of movement between the Republika Srpska and the Federation of Bosnia and Herzegovina and within the Federation of Bosnia and Herzegovina and within the Republika Srpska;

10. Expresses its continuing concern for women and children, especially in Bosnia and Herzegovina, who were victims of rape used as a weapon of war, and demands that the perpetrators of rape be brought to justice and that the victims and witnesses receive adequate assistance and protection;

III

General obligations

11. Urges the parties and Member States to take into account the Special Rapporteur's recommendation and the declaration by the international community at the Peace Implementation Conference held in London on 4 and 5 December 1996 that, without consistent progress in implementing internationally accepted standards of human rights in Bosnia and Herzegovina, the international community will not maintain its level of commitment of human and financial resources for reconstruction;

12. Underlines in this context that, without the compliance and active participation of all the authorities in Bosnia and Herzegovina in rebuilding a civil society, and without their making progress towards political reconciliation, they cannot expect the international community and major donors to continue shouldering the political, military and economic burden of the implementation and reconstruction efforts;

13. Calls upon in this respect the countries of the mandate, as well as the authorities of the Federation of Bosnia and Herzegovina and the Republika Srpska:

(a) To implement fully the commitments made in the Peace Agreement to protect human rights, and also insists that the parties act to promote and protect democratic institutions of government at all levels in their respective countries, to ensure freedom of expression and of the media, to allow and encourage freedom of association, including with respect to political parties, and to ensure freedom of movement;

(b) To cooperate fully with the international mechanisms which have mandates involving human rights, including the High Representative, the International Police Task Force, the United Nations High Commissioner for Human Rights, the Organization for Security and Cooperation in Europe, the European Community Monitoring Mission, the Council of Europe and other international and regional, as well as non-governmental, organizations;

(c) To cooperate effectively with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of in the Former Yugoslavia since 1991 (the Tribunal), established pursuant to Security Council resolution 808 (1993) of 22 February 1993;

(d) To ensure full and free access to their territories and to relevant facilities for all institutions and organizations concerned with the implementation of the present resolution, including non-governmental organizations;

(e) To facilitate, with the assistance of the international community, in particular the Office of the United Nations High Commissioner for Refugees, the early, safe and orderly return of refugees and displaced persons to their homes of origin or, in exceptional cases, to other places of their choice, honouring fully the commitments undertaken under the Peace Agreement in regard to human rights and refugee issues;

(f) To take immediate and effective steps to build confidence among people in order to foster civil society and to prevent new mass exoduses of populations;

(g) To implement the commitments made in the Joint Statement of the Bosnia and Herzegovina Ministerial Council, the Bosnia and Herzegovina Federal Government and the Republika Srpska Government issued in Geneva on 21 March 1997 on the repatriation of refugees and the return of and the solution to the problem of displaced persons within Bosnia and Herzegovina, in both its entities;

(h) Specifically the Governments of the Federal Republic of Yugoslavia (Serbia and Montenegro) and Bosnia and Herzegovina to speed up the process of normalization of their relations, in accordance with the conclusions of the high-level meeting held in Paris on 3 October 1996, and to refrain from any actions that may undermine the full implementation of the Peace Agreement;

14. *Appeals* to the international community to support such efforts and, in particular, the promotion of democratic institutions in the countries of the mandate, *inter alia* by improving the administration of justice and the functioning of free media, and by fostering a culture of respect for human rights;

IV

International Tribunal

15. *Calls upon* all States and all parties to the Peace Agreement to meet their obligations to cooperate fully with the Tribunal, and urges all States and the Secretary-General to support the Tribunal to the fullest extent possible, in particular by helping to ensure that persons indicted by the Tribunal stand trial before it, and, as a matter of urgency, by continuing to make available to the Tribunal adequate resources to aid in the fulfilment of its mandate;

16. *Also calls upon* the authorities of Bosnia and Herzegovina, and in particular the authorities of the Republika Srpska, to implement immediately the "rules of the road" agreed in Rome on 18 February 1996 by arresting or detaining only those war crime suspects sought by the Tribunal, by notification after arrest and prompt release if the person is not sought by the Tribunal, by submitting all cases involving suspected war crimes to the Tribunal for review prior to prosecution by national courts and by facilitating access to detainees by the Tribunal and other monitors and representatives of non-governmental organizations;

17. *Urgently calls upon* competent authorities in Bosnia and Herzegovina, including those of the Federation and in particular in the Republika Srpska, and the Governments of the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) to

apprehend and surrender for prosecution, as required by Security Council resolution 827 (1993) of 25 May 1993 and the statement by the President of the Security Council of 8 May 1996, all persons indicted by the International Tribunal;

18. Notes that the large majority of those indicted by the Tribunal, including Radovan Karadzic and Ratko Mladic, according to the Special Rapporteur, are living in the Republika Srpska, and deplores the failure of the authorities there to act;

19. Calls upon the international community to give the Tribunal every appropriate help to bring into custody suspects indicted by it;

V

Bosnia and Herzegovina

20. Takes note of the successful holding of elections on 14 September 1996 under the supervision of the Organization for Security and Cooperation in Europe, with the support of the European Union and other organizations, and stresses in this regard that the primary responsibility for laying the foundation for representative government and for ensuring the progressive achievement of democratic goals and building a tolerant, multi-ethnic society lies with the people of the Republic of Bosnia and Herzegovina, in particular through the central Government and the governments of the entities as well as through, *inter alia*, religious communities, humanitarian organizations and non-governmental organizations;

21. Welcomes the activities which the Commission on Human Rights for Bosnia and Herzegovina has undertaken, despite the lack of funding therefor, and underlines the importance of its intensifying its activities concerning alleged or apparent violations of human rights, and alleged or apparent discrimination of any kind;

22. Calls upon all authorities in Bosnia and Herzegovina:

(a) To comply with the human rights provisions of the Constitution of Bosnia and Herzegovina;

(b) To prevent human rights violations and ensure that persons under their control who commit violations are held accountable, especially violations described in the report of the Special Rapporteur, such as arbitrary detention practised by all parties and restrictions on media freedom;

(c) To ensure that local police forces fully respect and protect all human rights;

(d) To ensure full freedom of movement within, and between, the territories of both entities, as required by the Peace Agreement;

(e) To allow the return of refugees and displaced persons to their places of origin and to cease immediately actions that undermine the right to return, and to take immediate steps to repeal legislation which infringes on the right to return, including laws relating to "abandoned" property, to end illegal evictions of persons from their homes and to reinstate in their homes persons who have been evicted in violation of their rights;

(f) In particular those of the Republika Srpska and the Federation, to implement fully existing laws providing amnesty for crimes related to the conflict, other than serious violations of international humanitarian law, and, in the case of the Republika Srpska, to amend its law immediately to provide amnesty for persons who avoided conscription or deserted, as required by the Peace Agreement;

(g) To abide by the decisions of the Brcko Arbitrators and the Chairman's Conclusions of the Brcko Implementation Conference held in Vienna on 7 March 1997 and to cooperate fully with the Office of the High Representative, the newly appointed Deputy High Representative for Brcko and other responsible actors in all aspects of their implementation;

(h) In an effort to strengthen a free press, to make publications and broadcasts from both sides easily available in each entity, and to develop where necessary an appropriate legislative framework;

(i) To cooperate fully with the Commission on Human Rights for Bosnia and Herzegovina - the Office of the Ombudsman and the Human Rights Chamber - created under annex 6 to the Peace Agreement, in particular by establishing procedures for assisting with investigations by, and for responding to, their requests and reports, and providing for the immediate and effective implementation and enforcement of their decisions;

(j) To create the necessary conditions for free and fair municipal elections to be held under the supervision of the Organization for Security and Cooperation in Europe;

23. Calls upon relevant cantonal governments and local authorities to take the necessary steps to end beatings, unlawful evictions and other forms of harassment, particularly in multi-ethnic areas such as Mostar and Stolac, complying fully with the demands of the Security Council contained in the statement by its President of 19 March 1997, and to prosecute to the full extent of the law before an independent and impartial tribunal those identified in the report of the International Police Task Force concerning the incidents in Mostar on 10 February 1997;

24. Calls upon authorities in the Republika Srpska to establish without delay institutions for the protection of human rights, in particular a human rights ombudsman;

25. Calls upon the international community:

(a) To help implement the decision of the Security Council to support the authority of the International Police Task Force to investigate human rights abuses committed by law enforcement personnel by, inter alia, providing the necessary resources, equipment and training, and to support also the proposal by the High Commissioner for Human Rights to continue and expand his training for the International Police Task Force;

(b) To help the parties develop law enforcement structures that are competent and dedicated to complying with the "Internationally accepted principles of policing in a democratic State" of the International Police Task Force;

(c) To continue to work constructively so that persons who have left their territory can return in safety, including those who have been accorded temporary protection by third countries;

(d) To help ensure that the Constitutional Court, the Commission on Human Rights for Bosnia and Herzegovina and its two components, the Office of the Ombudsman and the Human Rights Chamber, are fully supported and their decisions respected;

26. Encourages the international community to respond favourably to appeals for voluntary contributions for the benefit of the Commission on Human Rights for Bosnia and Herzegovina, while calling upon the Government of Bosnia and Herzegovina to fulfil its obligations in this regard, and for the Commission for Real Property Claims of Refugees and Displaced Persons for Bosnia and Herzegovina, the International Commission on Missing Persons in the Former Yugoslavia, the High Commissioner/Centre for Human Rights and other institutions of reconciliation, democracy and justice in the region;

VI

Republic of Croatia

27. Calls upon the Government of the Republic of Croatia to undertake greater efforts to adhere to democratic principles and the highest level of international norms and standards of human rights and fundamental freedoms and to respect the protection of free and independent media, and:

(a) To continue to cooperate fully with the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium to ensure that the reintegration of Eastern Slavonia occurs peacefully and with respect for the human rights of all residents and returning displaced persons and refugees, including their property rights, their right to remain, leave or return in safety and dignity, and to prevent new flows of refugees from Eastern Slavonia, and to enable the restoration of the multi-ethnic character of Eastern Slavonia;

(b) To allow the expeditious return to their homes in all regions, in particular to the Krajina, of all refugees and displaced persons, to use all available means to secure their safety and human rights and to allow continued access to this population by humanitarian organizations;

(c) Within the procedures established in Rome on 18 February 1996 concerning the arrest, detention and trial of persons for violations of international humanitarian law (the "rules of the road"), to pursue prosecutions against those suspected of past violations of international humanitarian law and human rights, while ensuring that the rights to a fair trial and to legal representation are afforded to all persons suspected of such crimes;

(d) To prevent harassment, looting and physical attacks against Croatian Serbs, in particular involvement by Croatian military and police officials, and to investigate and arrest those responsible for acts of violence and intimidation aimed at driving people away;

(e) To guarantee freedom of the press, including independent television, radio and print media, in all parts of the country;

(f) To respect the right of non-governmental organizations to operate without arbitrary restrictions;

(g) To fulfil the rights and guarantees pledged in its letter of 13 January 1997 (S/1997/27), including, inter alia, the pledge to guarantee the local Serb community representation and a voice at various levels of local, regional and national government and to provide the local Serb population with protection of their legal and civil rights under Croatian law, and to this end to fulfil its obligations regarding the completion of the issuance of citizenship and identity documents and relevant technical documents;

(h) To implement the Amnesty Law enacted on 25 September 1996;

28. Calls upon the international community:

(a) To support the proposal of the High Commissioner for Human Rights to provide human rights guidance and counselling to the civilian police contingent of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium remaining in the field in 1997, and also to support the involvement of the High Commissioner in human rights monitoring in the region of Eastern Slavonia, in close cooperation with other international organizations and in close consultation with the Government of Croatia;

(b) To provide for a continued international presence, as recommended by the Special Rapporteur, through support of initiatives advanced by the High Commissioner for Human Rights, the Organization for Security and Cooperation in Europe, the Council of Europe, the European Community Monitoring Mission and other international organizations;

(c) To support fully the plans of the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium to organize the return in dignity and safety of Croatian and other non-Serb refugees who were forcibly expelled from their homes, and commends in this regard the so-called sponsorship programme of the Transitional Administration;

VII

Federal Republic of Yugoslavia (Serbia and Montenegro)

29. Calls upon the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro):

(a) To undertake substantially greater efforts to institute and implement fully democratic norms, especially in regard to respect for the principle of free and fair elections and protection of free and independent media, and to ensure full respect for human rights and fundamental freedoms;

(b) To expand opportunities for the independent media, institute non-partisan management of the State-owned media and cease efforts to restrict press and broadcast journalism;

(c) To cease torture and ill-treatment of persons in detention as described in the report of the Special Rapporteur (E/CN.4/1997/9), and to bring those responsible to justice;

(d) To revoke any discriminatory legislation, to apply all other legislation without discrimination and to take urgent action to prevent arbitrary evictions and dismissals and discrimination against any ethnic or national, religious or linguistic group;

(e) To respect the rights of persons belonging to minority groups, especially in Sandjak and Vojvodina, and of persons belonging to the Bulgarian and Croatian minorities;

(f) To take immediate action, in view of the deteriorating situation in Kosovo and the danger of escalating violence there, to put an end to the continuing repression of and prevent violence against the ethnic Albanian population, including acts of harassment, beatings, torture, warrantless searches, arbitrary detention, unfair trials, and arbitrary, unjustified evictions and dismissals;

(g) To release all political detainees, allow the return in safety and dignity of ethnic Albanian refugees to Kosovo and respect fully all human rights and fundamental freedoms, including freedom of the press, freedom of movement and freedom from discrimination in the field of education and information;

(h) To allow the establishment of democratic institutions in Kosovo and the right to seek, receive and impart information and ideas through any media, and in particular to improve the situation of ethnic Albanian women and children, and to allow an international presence for monitoring of the human rights situation;

(i) Following the welcome establishment of an office of the High Commissioner/Centre for Human Rights in Belgrade and continued cooperation with the Special Rapporteur, to broaden its cooperation with institutions concerned with human rights, in particular by allowing the High Commissioner for Human Rights and the European Union to establish a presence in Pristina (Kosovo), and to allow visits by the personal representative of the Chairman in Office of the Organization for Security and Cooperation in Europe in Kosovo;

30. Calls once again upon all parties in the Federal Republic of Yugoslavia (Serbia and Montenegro) to engage in a substantive dialogue, to act with the utmost restraint and with full respect for human rights, and to refrain from acts of violence, and calls especially upon the Federal Republic of Yugoslavia (Serbia and Montenegro) to pursue dialogue with representatives of ethnic Albanians in Kosovo;

31. Emphasizes that improvements in the promotion and protection of human rights and political freedoms in Kosovo and the rest of its territory as well as cooperation with the International Tribunal will assist the Federal Republic of Yugoslavia (Serbia and Montenegro) to establish the full range of relations with the international community;

32. Calls upon the international community:

(a) To establish appropriate safeguards to ensure the security and fair treatment upon return of those who sought temporary protection and asylum, including appropriate measures by Governments, such as legal guarantees and follow-up mechanisms, to allow these persons to return to their homes in the Federal Republic of Yugoslavia (Serbia and Montenegro) in safety and dignity;

(b) To continue to support existing national democratic forces and non-governmental organizations in their efforts to build a civil society and achieve multi-party democracy in the Federal Republic of Yugoslavia (Serbia and Montenegro);

(c) To support efforts by the Office of the United Nations High Commissioner for Refugees by encouraging and assisting the voluntary return in safety to Croatia of ethnic Serb refugees in the Federal Republic of Yugoslavia (Serbia and Montenegro) who were forcibly expelled or otherwise fled from their homes;

VIII

Missing persons

33. Thanks the expert member of the Working Group on Enforced or Involuntary Disappearances for his report on the special process on missing persons in the territory of the former Yugoslavia (E/CN.4/1997/55 and Corr.1);

34. Expresses its appreciation to the expert responsible for the special process for his contribution to the eventual resolution of the problem of missing persons by his dedication to this question;

35. Reminds the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) of its responsibility to investigate enforced disappearances, to enhance its cooperation with the Republic of Croatia and

with the Republic of Bosnia and Herzegovina in tracing missing persons and to provide complete and precise information on this subject, and calls upon the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) to live up to its bilateral agreement with the Republic of Croatia to this effect, to accept similar bilateral arrangements with the Republic of Bosnia and Herzegovina, and to respond positively to the efforts of the international community, including by attending high-level intergovernmental meetings to this end;

36. Welcomes in this regard the establishment of the International Commission on Missing Persons in the Former Yugoslavia and requests that the International Commission, the High Representative, the Special Rapporteur, and the International Committee of the Red Cross coordinate their efforts, while bearing in mind the evidentiary requirements of the International Tribunal, and also bearing in mind the provisions of Commission resolution 1996/71 that deal with this question;

37. Specifically calls upon the countries of the mandate of the Special Rapporteur:

(a) To release immediately all individuals held as a result of, or in relation to, any conflict between or among them;

(b) To release immediately to the International Committee of the Red Cross and other relevant organizations any and all information, including, but not limited to, all medical, dental and autopsy records, necessary to resolve the fate of persons missing as a result of the conflicts between and among the parties;

(c) To cooperate fully, immediately and at the highest diplomatic levels with the International Commission on Missing Persons, the Expert Group on Exhumations and Missing Persons of the Office of the High Representative and the Working Group on Missing Persons Chaired by the International Committee of the Red Cross in their efforts to accelerate the resolution of missing person cases and to alleviate the suffering of the families of the missing;

38. Stresses the necessity of close coordination on the issue between relevant international organizations and welcomes the commitments made by the Office of the High Representative to give priority to the question of missing persons, in particular by taking active steps to ensure that excavations and exhumations are carried out where possible;

39. Requests, in consideration of the resignation of the expert responsible for the special process, that the Special Rapporteur, the International Committee of the Red Cross, the Office of the High Representative, the headquarters of the International Commission on Missing Persons and other relevant actors consult the expert member of the Working Group so that appropriate arrangements, including for transfer of relevant information acquired by the expert, can be made for these organizations to assume the functions concerning missing persons performed by the expert member up to the date of his resignation;

40. Calls upon the international community:

(a) To provide the appropriate financial, personnel and logistical resources so that the Office of the High Representative, the relevant governmental institutions and other organizations entrusted with the responsibility of resolving the question of missing persons can accomplish their tasks without undue delay;

(b) To ensure that excavations and exhumations of mortal remains are undertaken in conformity with internationally accepted practice;

(c) To ensure also that excavations can continue where local authorities are prevented from carrying them out or where local authorities prevent their being carried out;

IX

Special Rapporteur

41. Requests the Special Rapporteur, in addition to the activities mandated in Commission resolutions 1994/72 and 1996/71:

(a) To focus her future activities on prevention and reporting of violations of, and lack of action to protect, all human rights and fundamental freedoms by governmental authorities, particularly violations that exacerbate ethnic tension, and on protecting the rights of persons belonging to minorities, women and vulnerable groups such as children and the elderly, particularly their right to return to their homes in safety and dignity;

(b) To continue to support the High Representative's efforts to report on implementation of the Peace Agreement by exchanging information and advice on the human rights situation in the territories covered by her mandate with the High Representative, the Organization for Security and Cooperation in Europe and other competent organizations, and by providing to the High Representative her recommendations concerning compliance with the human rights elements of the Agreement;

(c) To contribute to efforts for the building of democratic institutions and the improvement of the administration of justice, for the prevention and reporting of violations by civil authorities, particularly violations that exacerbate ethnic tension, and for the protection of the rights of persons belonging to minorities, women and vulnerable groups such as children and the elderly, particularly their right to return to their homes in safety and dignity;

(d) To act on behalf of the United Nations in dealing with the question of the missing, including through participation in the Expert Group on Exhumations and Missing Persons of the Office of the High Representative and the Working Group on Missing Persons Chaired by the International Committee of the Red Cross and attendance at meetings of the International Commission on Missing Persons, to contribute to a smooth transition between the mandate of the expert responsible for the special process on missing persons and the organizations to which his functions are to be transferred, and to report to the Commission on Human Rights about activities concerning missing persons in the former Yugoslavia;

(e) To provide the Commission at its fifty-fourth session with her overview of the human rights situation in the territories covered by her mandate, as requested in its resolution 1996/71;

42. Decides to extend for one year the mandate of the Special Rapporteur as revised in the present resolution, and requests that she continue her vital efforts, especially by continuing to carry out missions to:

(a) The Republic of Bosnia and Herzegovina;

(b) The Republic of Croatia, including Eastern Slavonia, Baranja and Western Sirmium;

(c) The Federal Republic of Yugoslavia (Serbia and Montenegro), including to Kosovo, as well as to Sandjak and Vojvodina;

and that she continue to submit periodic reports to the General Assembly and the Commission on Human Rights;

43. Requests the Special Rapporteur to provide a final report on the former Yugoslav Republic of Macedonia to the Commission no later than 30 September 1997 and decides, unless the Special Rapporteur recommends otherwise in her report, to discontinue its consideration of the former Yugoslav Republic of Macedonia upon delivery of that report;

44. Requests the Secretary-General to continue to make the Special Rapporteur's reports available to the Security Council and the Organization for Security and Cooperation in Europe;

45. Urges the Secretary General, from within existing resources, to make all necessary resources available for the Special Rapporteur to carry out her mandate successfully and, in particular, to provide her with adequate staff based in the territories covered by her mandate to ensure effective continuous monitoring of the human rights situation there and coordination with other international organizations involved.

65th meeting
15 April 1997
[Adopted without a vote. See chap. X.]

1997/58. Situation of human rights in Zaire

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the

United Nations and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Mindful that Zaire is a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the African Charter on Human and Peoples' Rights, as well as to the International Convention on the Elimination of All Forms of Racial Discrimination,

Recalling previous resolutions of the General Assembly and the Commission on Human Rights on the subject, most recently Commission resolution 1996/77 of 23 April 1996, and noting Security Council resolution 1097 (1997) of 18 February 1997,

Recognizing the burden which the population of eastern Zaire has sustained in granting asylum to the Rwandan and Burundian refugees since 1994 and the accompanying environmental degradation which followed this massive influx of refugees,

1. Welcomes:

(a) The reports of the Special Rapporteur on the situation of human rights in Zaire (E/CN.4/1997/6 and Add.1 and 2);

(b) The fact that the Government of Zaire agreed to a visit by the Special Rapporteur in the discharge of his mandate, while regretting that he was not able to visit certain areas and that the Government did not reply to his requests for information;

(c) The fact that the Government of Zaire agreed to the establishment of an office of the United Nations High Commissioner for Human Rights in Kinshasa, entrusted with the task of monitoring the situation of human rights and giving advice to the governmental authorities and non-governmental organizations;

(d) The preparations for elections, including the establishment of the National Electoral Commission and of the Standing Interministerial Commission to ensure contacts between the Government and the National Electoral Commission, and welcomes the decision to hold a constitutional referendum;

2. Expresses its concern:

(a) At the lack of improvement in the human rights situation and at the continuing violations of human rights and fundamental freedoms in Zaire, particularly cases of summary execution, torture and cruel, inhuman or degrading treatment, violence against women, arbitrary detention, inhuman and degrading prison conditions, particularly for children and especially in the detention centres administered by the army and security services, and denial of the right to a fair trial, as well as intimidations and reprisals, in particular against political figures;

(b) At the situation of human rights defenders in Zaire;

(c) At the armed conflict in eastern Zaire, and at the high number of civilian casualties, as well as at the widespread lack of respect for human rights and international humanitarian law by all parties;

(d) That the army and the security forces continue to use force against civilians and to enjoy great impunity, which remains one of the principal causes of human rights violations in Zaire;

(e) At all discriminatory measures based on ethnic grounds;

(f) At the occurrences of arbitrary deprivation of nationality;

(g) At the delay, aggravated by the war in eastern Zaire, in the process of democratic transition and in the organizing of free and multi-party elections, as foreseen in the Constitutional Act of Transition;

(h) At the lack of follow-up to previous recommendations by the Special Rapporteur;

3. Calls upon the Government of Zaire:

(a) To put an end to the impunity of persons responsible for human rights violations, including members of the army and security forces;

(b) To intensify cooperation with the Special Rapporteur and the office of the High Commissioner for Human Rights in Kinshasa and to indicate how the Government of Zaire has taken the Special Rapporteur's recommendations into account;

(c) To ensure that all decisions concerning the acquisition or deprivation of nationality are taken in accordance with principles and norms of international law;

(d) To provide the National Commission for the Promotion and Protection of Human Rights with the necessary means to function effectively and independently, and to seek the assistance of the office of the High Commissioner for Human Rights in Kinshasa in this respect;

(e) To reinforce the judiciary and its independence;

(f) And all other parties to the conflict in eastern Zaire to approve unconditionally the five-point peace plan for eastern Zaire endorsed by the Security Council and the Organization of African Unity, and to negotiate an immediate cessation of hostilities and a peaceful settlement; to withdraw all external forces, including mercenaries; to facilitate access to the area for humanitarian organizations and to seek a political solution to the problems, respecting the territorial integrity of Zaire, the human rights of everyone, including refugees and displaced persons, and the process of democratization in Zaire, including the holding of free and fair elections;

(g) To make further preparations for the holding of free and fair elections as foreseen in the basic agreement on the transition, drawing on assistance from the international community, and to ensure full respect for the freedom of opinion and expression, including for all mass media, as well as freedom of association and assembly throughout the territory of Zaire;

(h) To take into account the importance of civil society in implementing and strengthening the democratization process;

(i) To cooperate with respect to the strengthening of the office of the High Commissioner for Human Rights, including an increase in the number of observers;

4. Calls upon the Government of Zaire and all other parties:

(a) To accept with immediate effect investigations by the joint mission appointed by the Commission on Human Rights into allegations of massacres and other issues affecting human rights and to ensure the security of the members of the joint mission and their free access to all areas they wish to visit;

(b) To accept the monitoring by international observers of respect for human rights and humanitarian law and to ensure free access and security for such observers;

5. Calls upon the international community to cooperate in future efforts with respect to the reconstruction and rehabilitation of the economic and social infrastructure in eastern Zaire;

6. Decides:

(a) To request the Special Rapporteurs on the situation of human rights in Zaire and on extrajudicial, summary or arbitrary executions and a member of the Working Group on Enforced or Involuntary Disappearances to carry out a joint mission to investigate allegations of massacres and other issues affecting human rights which arise from the situation prevailing in eastern Zaire since September 1996 and to report to the General Assembly by 30 June 1997 and to the Commission at its fifty-fourth session;

(b) To request the High Commissioner for Human Rights to facilitate the activities of the joint mission, in particular with respect to its funding, in order to accelerate its work, and to provide appropriate technical expertise to enable the mission to fulfil its mandate;

(c) To extend the mandate of the Special Rapporteur on the situation of human rights in Zaire for a further year, requests the Special Rapporteur to submit an interim report to the General Assembly at its fifty-second session and to report to the Commission at its fifty-fourth session, and also requests the Special Rapporteur to continue to apply a gender perspective to a greater extent in drawing up his reports, including in the collection of information and in recommendations;

(d) To request the Secretary-General to continue to give all necessary assistance to the Special Rapporteur to enable him to discharge his mandate fully;

(e) To continue the examination of the situation of human rights in Zaire at its fifty-fourth session under the agenda item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

65th meeting
15 April 1997
[Adopted without a vote. See chap. X.]

1997/59. Situation of human rights in the Sudan

The Commission on Human Rights,

Reaffirming that all States have an obligation to respect and promote the human rights and fundamental freedoms and values embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments, and in international humanitarian law,

Recalling General Assembly resolution 51/112 of 12 December 1996 and its own resolution 1996/73 of 23 April 1996, on the situation of human rights in the Sudan,

Noting with deep concern reports of grave human rights violations and abuses in the Sudan, particularly detentions without trial, forced displacement of persons and torture, as described *inter alia* in numerous reports submitted to the General Assembly and the Commission on Human Rights (see A/51/490, annex; A/51/542/Add.2; E/CN.4/1997/58; E/CN.4/1997/91),

Expressing serious concern about reports of religious persecution, including forced conversion of Christians and animists, in Government-controlled areas of the Sudan,

Gravely disturbed that the Government has not provided full and impartial investigations and reports on human rights violations and abuses,

Deeply concerned about continued acts of indiscriminate and deliberate aerial bombardment by the Government of the Sudan of civilian targets in southern Sudan,

Deeply concerned also that access of international relief organizations to civilian populations continues to be severely impeded,

Alarmed by the large number of internally displaced persons and victims of discrimination in the Sudan, notably from southern Sudan and the Nuba Mountains region, who have been forcibly displaced and who are in need of assistance and protection, and by the destruction of villages, indiscriminate killing of civilian men, women and children and massive displacement of people in Blue Nile province after 12 January 1997, *Deeply concerned* about continued reports of slavery, servitude, the slave trade and forced labour, the sale and trafficking of children and their abduction and forced internment, often at undisclosed locations,

Also concerned about reports of ideological indoctrination or cruel, inhuman or degrading treatment, especially but not exclusively affecting displaced families and women and children belonging to racial, ethnic and religious minorities,

Gravely concerned about reports that these practices have frequently been carried out by agents under government authority or have taken place with the knowledge of the Government of the Sudan,

Taking note of efforts reported by the Government of the Sudan to investigate such activities and practices, as well as measures proposed to eliminate verified instances of them, as urged by the General Assembly in resolution 51/112,

Deeply concerned about policies, practices and activities which are directed against and particularly violate the human rights of women and girls, and noting the continuation of such practices, including civil and judicial discrimination against women, as reported by the Special Rapporteur,

Welcoming the invitations extended by the Government of the Sudan to the Special Rapporteur on the situation of human rights in the Sudan, the Special Rapporteurs on religious intolerance and on freedom of opinion and expression, and the Working Group on Contemporary Forms of Slavery,

Welcoming also the support extended by the Government of the Sudan to the visit by a delegation of the African Commission on Human and Peoples' Rights from 1 to 7 December 1996,

Regretting that the second visit of the Special Rapporteur on the situation of human rights in the Sudan had to be abruptly terminated, and noting that the visit of the Special Rapporteur on freedom of opinion and expression has yet to take place,

Noting again the establishment by the Government of the Sudan of National Committees for Human Rights Education, and encouraging the High Commissioner/Centre for Human Rights to take into consideration requests for assistance by the Government of the Sudan, including assistance to help these committees improve the observance of human rights in the Sudan,

1. *Welcomes* the most recent report of the Special Rapporteur on the situation of human rights in the Sudan (E/CN.4/1997/58), and expresses its support for his work;

2. *Deeply regrets* that the Government of the Sudan declared it was unable to guarantee the security of the Special Rapporteur on the situation of human rights in the Sudan during his abbreviated visit to the Sudan in January 1997;

3. Expresses its deep concern at continued serious human rights violations by the Government of the Sudan, including extrajudicial killings, arbitrary arrests, detentions without due process, enforced or involuntary disappearances, violations of the rights of women and children, slavery and slavery-like practices, forced displacement of persons, systematic torture and denial of the freedoms of religion, expression, association and peaceful assembly, and emphasizes that it is essential to put an end to violations of human rights in the Sudan;

4. Also expresses its deep concern at actions by other parties to the conflict, including kidnappings, arbitrary detention, forced conscription, indiscriminate killings, forced displacement and arrest of foreign relief workers without charge;

5. Expresses its outrage at the use by all parties to the conflict of military force to disrupt or attack relief efforts, and calls for an end to such practices and for those responsible for such actions to be brought to justice;

6. Renews its call to the Government of the Sudan to respect human rights fully, and calls upon all parties to the conflict to cooperate in order to ensure such respect;

7. Calls upon all parties to the hostilities to respect fully the applicable provisions of international humanitarian law, including article 3 common to the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977, to halt the use of weapons, including landmines, against the civilian population, and to protect all civilians, especially women, members of minorities and children, from violations of human rights and humanitarian law, including forcible displacement, arbitrary detention, ill-treatment, torture and summary executions;

8. Again urges the Government of the Sudan to release all political detainees, to cease all acts of torture and cruel, inhuman or degrading treatment, to close down all clandestine or unacknowledged detention centres, and to ensure that all accused persons are held in ordinary police or prison custody where family members and lawyers can visit them, and that such persons receive prompt, just and fair trials under internationally recognized standards;

9. Calls upon the Government of the Sudan to comply with applicable international human rights instruments and to bring its national legislation into accordance with those instruments to which the Sudan is a party, and to ensure that all individuals in its territory and subject to its jurisdiction, including members of all religious and ethnic groups, enjoy fully the rights recognized in those instruments;

10. Also calls upon the Government of the Sudan to ensure that its security forces, army, police forces, Popular Defence Forces and other paramilitary or civil defence groups are properly trained and act in compliance with the standards set forth in international humanitarian law,

with the assistance of the International Committee of the Red Cross and other appropriate organizations, and that those responsible for violations of such law are brought to justice;

11. Urges the Government of the Sudan to investigate reported policies or activities which support, condone, encourage or foster the sale of or trafficking in children, separate children from their families and social backgrounds, forcibly round up children from the streets, or which subject children to forced internment, indoctrination or cruel, inhuman or degrading treatment or punishment, and to terminate immediately any such policies or activities and bring to trial any persons suspected of supporting or participating in them;

12. Also urges the Government of the Sudan to carry out promptly its promised investigations into cases of slavery, servitude, the slave trade, forced labour and similar institutions and practices, as reported by the Special Rapporteur and others, to complete those investigations already begun and to take all appropriate measures to put an immediate end to these practices;

13. Welcomes the establishment in 1996 of the Special Investigation Committee on Allegations of Enforced or Involuntary Disappearances and Reported Cases of Slavery, and urges the Government of the Sudan to give full effect to the work of the Committee;

14. Encourages the Government of the Sudan to work actively for the eradication of practices which are directed against and particularly violate the human rights of women and girls, especially in the light of the Beijing Declaration and Platform for Action (A/CONF.177/20, chap. I) adopted by the Fourth World Conference on Women;

15. Calls upon the Government of the Sudan to cease immediately the deliberate and indiscriminate aerial bombardment of civilian targets and relief operations;

16. Urges all parties to the conflict to cooperate fully with the peace efforts of the Intergovernmental Authority on Drought and Development and related initiatives under its auspices to negotiate an equitable resolution of the civil conflict and ensure respect for the human rights and fundamental freedoms of the Sudanese people, thereby facilitating the return of refugees and internally displaced persons to their homes;

17. Calls once more upon the Government of the Sudan to carry out a full and thorough investigation by the independent judicial inquiry commission of the killing of Sudanese employees of foreign relief organizations, to bring to justice those responsible for the killings and to provide just compensation to the families of the victims;

18. Calls again upon the Government of the Sudan and all parties to the conflict to permit international agencies, humanitarian organizations and donor Governments to deliver humanitarian assistance to all war-affected

civilians and to cooperate with initiatives of the Department of Humanitarian Affairs of the United Nations Secretariat and Operation Lifeline Sudan to deliver such assistance;

19. Expresses the hope once again that the dialogue between non-governmental organizations and religious minorities in the Sudan will be continued in order to improve relations between those minorities and the Government of the Sudan;

20. Decides to extend the mandate of the Special Rapporteur for an additional year;

21. Requests the Secretary-General to give the Special Rapporteur all necessary assistance, from within existing resources, in the discharge of his mandate;

22. Stresses the importance of the Special Rapporteur continuing to apply a gender perspective systematically in the reporting process, including in information collection and in recommendations;

23. Encourages the Special Rapporteur on freedom of opinion and expression and the Working Group on Contemporary Forms of Slavery to consult with the Special Rapporteur on the situation of human rights in the Sudan and to accept the invitations of the Government of the Sudan;

24. Encourages the Government of the Sudan, while acknowledging the mention of positive changes, to note the concerns mentioned in the report of the Special Rapporteur on religious intolerance (E/CN.4/1997/91) and to review the recommendations made therein, with a view to modifying or repealing government legislation, policies or activities, as suggested;

25. Recommends that priority be given to the placement of human rights field officers to monitor the situation of human rights in the Sudan, in the locations, under the modalities and with the objectives suggested by the Special Rapporteur;

26. Requests the Special Rapporteur to report to the Commission on Human Rights on the future need for human rights field officers, with the understanding that the Commission will, at its fifty-fourth session, reassess such need;

27. Requests the Special Rapporteur to report his findings and recommendations to the General Assembly at its fifty-second session and to the Commission on Human Rights at its fifty-fourth session;

28. Decides to continue its consideration of this question as a matter of priority at its fifty-fourth session.

65th meeting
15 April 1997
[Adopted without a vote. See chap. X.]

1997/60. Situation of human rights in Iraq

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Mindful that Iraq is a party to the International Covenants on Human Rights and to other international human rights instruments, and to the Geneva Conventions of 12 August 1949 on the protection of war victims,

Recalling:

(a) Previous resolutions of the General Assembly and the Commission on Human Rights on the subject, most recently Assembly resolution 51/106 of 12 December 1996 and Commission resolution 1996/72 of 23 April 1996;

(b) Security Council resolutions 688 (1991) of 5 April 1991, in which the Council demanded an end to repression of the Iraqi civilian population and insisted that Iraq cooperate with humanitarian organizations and that the human rights of all Iraqi citizens be respected; 686 (1991) of 2 March 1991, in which the Council called upon Iraq to release all Kuwaitis and nationals of other States who might still be held in detention; and 687 (1991) of 3 April 1991 and 986 (1995) of 14 April 1995, by which the Council authorized States to permit imports of Iraqi oil in order to allow Iraq to purchase humanitarian supplies;

1. Welcomes the report on the situation of human rights in Iraq submitted by the Special Rapporteur (E/CN.4/1997/57) and the observations on the general situation, including in the northern region, and the conclusions and recommendations contained therein, and notes his dismay that there has been no improvement in the situation of human rights in the country;

2. Strongly condemns:

(a) The massive and extremely grave violations of human rights and of international humanitarian law by the Government of Iraq, resulting in an all-pervasive repression and oppression sustained by broad-based discrimination and widespread terror;

(b) Suppression of freedom of thought, expression, religion, information, association, assembly and movement through fear of arrest, imprisonment and other sanctions, including the death penalty;

(c) Summary and arbitrary executions, including political killings, enforced or involuntary disappearances, routinely practised arbitrary arrests and detention and consistent and routine failure to respect due process and the rule of law;

(d) Widespread, systematic torture in its most cruel forms, and the enactment and implementation of decrees prescribing cruel and inhuman punishment, namely mutilation, as a penalty for offences and diversion of medical care services for such mutilations;

3. Calls upon the Government of Iraq:

(a) To abide by its freely undertaken obligations under international human rights treaties and international humanitarian law and respect and ensure the rights of all individuals, irrespective of their origin, ethnicity, gender or religion, within its territory and subject to its jurisdiction;

(b) To bring the actions of its military and security forces into conformity with the standards of international law, in particular those of the International Covenant on Civil and Political Rights;

(c) To cooperate with United Nations human rights mechanisms, in particular by receiving a return visit by the Special Rapporteur to Iraq and allowing the stationing of human rights monitors throughout Iraq pursuant to the relevant resolutions of the General Assembly and the Commission on Human Rights;

(d) To restore independence of the judiciary and abrogate all laws granting impunity to specified forces or persons killing or injuring individuals for any purpose beyond the administration of justice under the rule of law as prescribed by international standards;

(e) To abrogate all decrees that prescribe cruel and inhuman punishment or treatment and to ensure that torture and cruel punishment and treatment no longer occur;

(f) To abrogate all laws and procedures, including Revolution Command Council Decree No. 840 of 4 November 1986, that penalize free expression, and to ensure that the genuine will of the people shall be the basis of authority of the State;

(g) To cooperate with the Tripartite Commission to establish the whereabouts and resolve the fate of the remaining several hundred missing persons, including prisoners of war, Kuwaiti nationals and third country nationals victims of the illegal Iraqi occupation of Kuwait, to cooperate with the Working Group on Enforced or Involuntary Disappearances for that purpose, and to pay compensation to the families of those who died or disappeared in custody of the Iraqi authorities, through the mechanism established by the Security Council in resolution 692 (1991) of 20 May 1991;

(h) To cease immediately its repressive practices aimed at the Iraqi Kurds in the north, Assyrians, Shi'a, Turkmen, the population of the southern marsh areas, where drainage projects have provoked environmental destruction and a deterioration of the situation of the civilian population, and other ethnic and religious groups;

(i) To cooperate with international aid agencies and non-governmental organizations to provide humanitarian assistance and monitoring in the northern and southern areas of the country;

(j) To release immediately all Kuwaitis and nationals of other States who may still be held in detention;

(k) To ensure equitable distribution without discrimination to the Iraqi population of the humanitarian supplies purchased with the proceeds of Iraqi oil, in implementation of Security Council resolution 986 (1995) and the memorandum of understanding with the Secretary-General of May 1996 on this issue, and to cooperate with international humanitarian agencies for the provision without discrimination of relief to those in need throughout Iraq;

(l) To cooperate in the identification of minefields existing throughout Iraq with a view to facilitating their marking and eventual clearing;

4. Decides:

(a) To extend the mandate of the Special Rapporteur, as contained in Commission resolution 1991/74 of 6 March 1991 and subsequent resolutions, for a further year, and requests the Special Rapporteur to submit an interim report on the situation of human rights in Iraq to the General Assembly at its fifty-second session and to report to the Commission at its fifty-fourth session;

(b) To request the Secretary-General to continue to give all necessary assistance to the Special Rapporteur to enable him to discharge his mandate fully, and to approve the allocation of sufficient human and material resources for the sending of human rights monitors to such locations as would facilitate improved information on the situation of human rights in Iraq;

(c) To continue the examination of the situation of human rights in Iraq at its fifty-fourth session under the agenda item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

66th meeting
16 April 1997
[Adopted by a roll-call vote of 31 votes to none,
with 22 abstentions. See chap. X.]

1997/61. Extrajudicial, summary or arbitrary executions

The Commission on Human Rights,

Recalling the Universal Declaration of Human Rights, which guarantees the right to life, liberty and security of person, and the relevant provisions of the International Covenant on Civil and Political Rights, Having regard to the legal framework of the mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions, including the provisions contained in Commission resolution 1992/72 of 5 March 1992 and General Assembly resolution 47/136 of 18 December 1992,

Mindful of General Assembly resolutions on the subject of summary or arbitrary executions, of which the latest is resolution 51/92 of 12 December 1996,

Recalling also Economic and Social Council resolution 1984/50 of 25 May 1984 and the Safeguards guaranteeing protection of the rights of those facing the death penalty annexed thereto, and Council resolution 1989/64 of 24 May 1989 on their implementation, as well as the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, adopted by the General Assembly in its resolution 40/34 of 29 November 1985,

Deeply alarmed at the persistence, on a large scale, of extrajudicial, summary or arbitrary executions, in all parts of the world,

Dismayed that in a number of countries impunity, the negation of justice, continues to prevail and often remains the main cause of the continued occurrence of extrajudicial, summary or arbitrary executions in those countries,

Convinced of the need for effective action to combat and to eliminate the abhorrent practice of extrajudicial, summary or arbitrary executions, which represent a flagrant violation of the fundamental right to life,

1. Strongly condemns once again all the extrajudicial, summary or arbitrary executions that continue to take place throughout the world;

2. Demands that all Governments ensure that the practice of extrajudicial, summary or arbitrary executions be brought to an end and that they take effective action to combat and eliminate the phenomenon;

3. Notes that impunity continues to be a major cause of the perpetuation of violations of human rights, including extrajudicial, summary or arbitrary executions;

4. Reiterates the obligation of all Governments to conduct exhaustive and impartial investigations into all suspected cases of extrajudicial, summary or arbitrary executions, to identify and bring to justice those responsible, to grant adequate compensation to the victims or their families and to adopt all necessary measures to prevent the recurrence of such executions;

5. Encourages the Governments of all States in which the death penalty has not been abolished to comply with their obligations under relevant provisions of international human rights instruments, taking into account the safeguards and guarantees set out in Economic and Social Council resolutions 1984/50 and 1989/64;

6. Takes note of the report of the Special Rapporteur, including his recommendations (E/CN.4/1997/60 and Add.1);

7. Notes the important role the Special Rapporteur has played towards the elimination of extrajudicial, summary or arbitrary executions and encourages him to continue, within the framework of his mandate, to collect information from all concerned and to seek the views and comments of Governments in order to be able to respond effectively to reliable information that comes before him and to follow up on communications and country visits;

8. Requests the Special Rapporteur, in carrying out his mandate:

(a) To continue to examine situations of extrajudicial, summary or arbitrary executions and to submit his findings on an annual basis, together with conclusions and recommendations, to the Commission on Human Rights, as well as such other reports as the Special Rapporteur deems necessary in order to keep the Commission informed about serious situations of extrajudicial, summary or arbitrary executions that warrant its immediate attention;

(b) To respond effectively to information which comes before him, in particular when an extrajudicial, summary or arbitrary execution is imminent or seriously threatened or when such an execution has occurred;

(c) To enhance further his dialogue with Governments, as well as to follow up on recommendations made in reports after visits to particular countries;

(d) To continue to pay special attention to extrajudicial, summary or arbitrary executions of children and to allegations concerning violations of the right to life in the context of violence against participants in demonstrations and other peaceful public manifestations or against persons belonging to minorities;

(e) To pay special attention to extrajudicial, summary or arbitrary executions where the victims are individuals carrying out peaceful activities in defence of human rights and fundamental freedoms;

(f) To continue monitoring the implementation of existing international standards on safeguards and restrictions relating to the imposition of capital punishment, bearing in mind the comments made by the Human Rights Committee in its interpretation of article 6 of the International Covenant on Civil and Political Rights, as well as the Second Optional Protocol thereto;

(g) To apply a gender perspective in his work;

9. Urges the Special Rapporteur to draw to the attention of the United Nations High Commissioner for Human Rights such situations of extrajudicial, summary or arbitrary executions as are of particularly serious concern to him or where early action might prevent further deterioration;

10. Welcomes the cooperation established between the Special Rapporteur and other United Nations mechanisms and procedures in the field of human rights and encourages the Special Rapporteur to continue efforts in this regard;

11. Urges Governments to undertake all necessary and possible measures to prevent loss of life during situations of public demonstrations, internal and communal violence, disturbances, tension and public emergency or armed conflicts, and to ensure that the police and security forces receive thorough training in human rights matters, in particular with regard to restrictions on the use of force and firearms in the discharge of their functions;

12. Appeals to all Governments to ensure that all persons deprived of their liberty are treated with humanity and with respect for the inherent dignity of the human person and that conditions in places of detention conform to the Standard Minimum Rules for the Treatment of Prisoners and, where applicable, to the 1949 Geneva Conventions and the 1977 Additional Protocols thereto in relation to the treatment of prisoners in armed conflicts, as well as to other pertinent international instruments;

13. Strongly urges all Governments:

(a) To cooperate with and assist the Special Rapporteur so that his mandate may be carried out effectively, including, where appropriate, by issuing invitations to the Special Rapporteur when he so requests, in keeping with the usual terms of reference for missions by Special Rapporteurs of the Commission on Human Rights;

(b) To respond to the communications transmitted to them by the Special Rapporteur;

14. Expresses its appreciation to those Governments that have invited the Special Rapporteur to visit their countries, asks them to examine carefully the recommendations made by him, invites them to report to the Special Rapporteur on action taken on those recommendations, and requests other Governments, including those mentioned in the report of the Special Rapporteur, to cooperate in a similar way;

15. Expresses its concern that a number of Governments mentioned in the report of the Special Rapporteur have not replied to specific allegations and reports of extrajudicial, summary or arbitrary executions transmitted to them by the Special Rapporteur;

16. Encourages Governments, United Nations bodies and organs, the specialized agencies and intergovernmental and non-governmental organizations, as appropriate, to initiate, coordinate or support programmes designed to train and educate military forces, law enforcement officers and government officials, as well as members of the United Nations peace-keeping or observer missions, on human rights and humanitarian law issues connected with their work, and appeals to the international community to support endeavours to that end;

17. Requests the Secretary-General to provide the Special Rapporteur, from within existing resources, with additional human, financial and material resources, in order to enable him to carry out his mandate effectively, including through country visits;

18. Also requests the Secretary-General to continue to use his best endeavours in cases where the minimum standard of legal safeguards provided for in articles 6, 9, 14 and 15 of the International Covenant on Civil and Political Rights appears not to be respected;

19. Further requests the Secretary-General to continue, in close collaboration with the High Commissioner for Human Rights, in conformity with the High Commissioner's mandate established by the General Assembly in its resolution 48/141 of 20 December 1993, to ensure that personnel specialized in human rights and humanitarian law issues form part of United Nations missions, where appropriate, in order to deal with serious human rights violations, such as extrajudicial, summary or arbitrary executions;

20. Decides to consider the question of extrajudicial, summary or arbitrary executions as a matter of priority at its fifty-fourth session under the agenda item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

66th meeting
16 April 1997
[Adopted without a vote. See chap. X.]

1997/62. Human rights in Cuba

The Commission on Human Rights,

Recalling its resolution 1996/69 of 23 April 1996 regarding the extension of the mandate of the Special Rapporteur of the Commission to review and report on the situation of human rights in Cuba and to maintain direct contact with the Government and citizens of Cuba,

Recalling also General Assembly resolution 51/113 of 12 December 1996 regarding the situation of human rights in Cuba,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Considering the report on the situation of human rights in Cuba submitted to the Commission by the Special Rapporteur (E/CN.4/1997/53),

Profoundly concerned at continued violations in Cuba of human rights and fundamental freedoms enumerated in the Universal Declaration of Human Rights, such as freedoms of thought, conscience and religion, opinion and expression, and assembly and association, and rights associated with the administration of justice,

Dismayed by the violation of the right to life by the Government of Cuba in shooting down two unarmed civilian aircraft on 24 February 1996,

1. _Commends_ the Special Rapporteur for his report and his efforts to carry out his mandate concerning the situation of human rights in Cuba;

2. _Calls upon_ the Government of Cuba to permit the Special Rapporteur the opportunity to carry out his mandate in full, in particular by allowing him to visit Cuba;

3. _Expresses particular concern_ that the Government of Cuba has failed to carry out its commitment, common to all Member States, to cooperate with the Commission on Human Rights, in conformity with Articles 55 and 56 of the Charter of the United Nations;

4. _Calls upon_ the Government of Cuba to consider acceding to human rights instruments to which it is not yet a party;

5. _Regrets profoundly_ the numerous reports of violations of human rights and fundamental freedoms, as described in the report of the Special Rapporteur, and urges the Government of Cuba to ensure freedom of expression and assembly and freedom to demonstrate peacefully, including by allowing political parties and non-governmental organizations to function freely in the country and by reforming legislation in this area;

6. _Calls upon_ the Government of Cuba to carry out the recommendations contained in the report of the Special Rapporteur to bring its observance of human rights and fundamental freedoms into conformity with international law and applicable international human rights instruments, to end all violations of human rights, including, in particular, the detention and imprisonment as well as harassment of and threats against human rights defenders and others engaged in the peaceful exercise of their rights, and to grant access to the prisons by non-governmental humanitarian organizations and international humanitarian agencies;

7. _Calls especially upon_ the Government of Cuba to release the numerous persons detained for activities of a political nature, including those specifically mentioned in the report of the Special Rapporteur who suffer from inadequate medical care while imprisoned or whose rights as journalists or jurists are impeded or denied;

8. _Calls upon_ the Government of Cuba to ensure that workers' rights are safeguarded, including through independent and generalized collective-bargaining systems;

9. _Decides to extend_ the mandate of the Special Rapporteur for one year;

10. Requests the Special Rapporteur to maintain direct contacts with the Government and citizens of Cuba as specified in past resolutions of the Commission;

11. Requests that the existing mechanisms of the Commission continue giving attention to the situation of human rights in Cuba;

12. Invites the Special Rapporteur and the existing thematic mechanisms of the Commission to cooperate fully and exchange information and findings on the situation of human rights in Cuba;

13. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur;

14. Requests the Special Rapporteur to submit an interim report to the General Assembly at its fifty-second session and to report to the Commission at its fifty-fourth session on the results of his endeavours pursuant to the present resolution;

15. Invites the Government of Cuba to consider the possibility of requesting the establishment of a programme of advisory services.

66th meeting
16 April 1997
[Adopted by a roll-call vote of 19 votes to 10,
with 24 abstentions. See chap. X.]

1997/63. Situation of human rights in East Timor

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Mindful that Indonesia is a party to the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women and the Geneva Conventions of 1949 on the protection of war victims,

Recalling its resolution 1993/97 of 11 March 1993, and bearing in mind statements by the Chairman of the Commission on the situation of human rights in East Timor at its forty-eighth, fiftieth, fifty-first and fifty-second sessions,

1. Welcomes:

(a) The report of the Secretary-General (E/CN.4/1997/51 and Add.1) and his recent nomination of a special representative;

(b) The continuing efforts of the Indonesian National Human Rights Commission to investigate human rights violations, and its decision to establish an office in Dili, East Timor;

(c) The commitments by the Government of Indonesia to continue the dialogue under the auspices of the Secretary-General for achieving a just, comprehensive and internationally acceptable solution to the question of East Timor;

2. Expresses its deep concern:

(a) At the continuing reports of violations of human rights in East Timor, including reports of extrajudicial killings, disappearances, torture and arbitrary detention, as contained in the reports of the Special Rapporteur on torture (E/CN.4/1997/7), the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1997/60 and Add.1), the Working Group on Arbitrary Detention (E/CN.4/1997/4 and Add.1) and the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1997/34);

(b) At the lack of progress made by the Indonesian authorities towards complying with their commitments undertaken in statements agreed by consensus at previous sessions of the Commission;

(c) That the Government of Indonesia has not yet invited thematic rapporteurs and working groups of the Commission to East Timor, in spite of commitments undertaken to do so in 1997;

(d) At the policy of systematic migration of persons to East Timor;

3. Calls upon the Government of Indonesia:

(a) To take the necessary measures in order to ensure full respect for the human rights and fundamental freedoms of the people of East Timor;

(b) To ensure the early release of East Timorese detained or convicted for political reasons and to clarify further the circumstances surrounding the violent incident that took place in Dili in November 1991;

(c) To ensure that all East Timorese in custody are treated humanely and in accordance with international standards, and that all trials in East Timor are conducted in accordance with international standards;

(d) To cooperate fully with the Commission and its thematic rapporteurs and working groups and to invite these rapporteurs and working groups to visit East Timor, in particular the Special Rapporteur on torture, in line with the commitment undertaken to invite a thematic rapporteur in 1997;

(e) To undertake all necessary action in order to upgrade the memorandum of intent of 26 October 1994 on technical cooperation into the envisaged memorandum of understanding, and requests in this regard the United Nations High Commissioner for Human Rights to report on the follow-up to the memorandum of intent;

(f) To bring about the envisaged assignment of a programme officer of the High Commissioner/Centre for Human Rights to the Jakarta office of the United Nations Development Programme, as follow-up to the commitment undertaken, and to provide this officer with unhindered access to East Timor;

(g) To provide access to East Timor for human rights organizations;

4. Decides:

(a) To consider the situation in East Timor at its fifty-fourth session under the agenda item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories" on the basis of the reports of special rapporteurs and working groups and that of the Secretary-General;

(b) To encourage the Secretary-General to continue his good-offices mission for achieving a just, comprehensive and internationally acceptable solution to the question of East Timor and in this framework to encourage the all-inclusive intra-East Timorese dialogue to continue under the auspices of the United Nations.

66th meeting
16 April 1997
[Adopted by a roll-call vote of 20 votes to 14,
with 18 abstentions. See chap. X.]

1997/64. Situation of human rights in Myanmar

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Mindful that Myanmar is a party to the Convention on the Rights of the Child and the Geneva Conventions of 1949 on the protection of war victims,

Recalling previous resolutions of the General Assembly and the Commission on Human Rights on the subject, most recently Assembly resolution 51/117 of 12 December 1996 and Commission resolution 1996/80 of 23 April 1996,

1. Welcomes:

(a) The report of the Special Rapporteur (E/CN.4/1997/64);

(b) The report of the Secretary-General on his discussions with the Government of Myanmar (E/CN.4/1997/129);

(c) The continuing cooperation by the Government of Myanmar with the Office of the United Nations High Commissioner for Refugees for the voluntary repatriation and reintegration of returnees from Bangladesh;

(d) The scheduled visit of a special envoy of the Secretary-General to Myanmar from 7 to 10 May 1997, in the discharge of the good offices functions of the Secretary-General, for discussions with the Government and other political leaders of Myanmar as he may consider appropriate, in order to assist in the implementation of General Assembly resolution 51/117 and of the present resolution;

2. Expresses its deep concern:

(a) At the continuing violations of human rights in Myanmar, as reported by the Special Rapporteur, including extrajudicial, summary or arbitrary executions, death in custody, torture, arbitrary and politically motivated arrest and detention, absence of due process of law, including trial of detainees in secrecy without proper legal representation, severe restrictions on freedoms of opinion, expression, movement, assembly and association, forced relocation, forced labour by children as well as adults, including portering for the military, abuse of women and children by government agents, and oppression of ethnic and religious minorities;

(b) At the absence of significant steps towards the establishment of democratic government after the democratic elections of 1990, while noting that, according to the Special Rapporteur, the absence of respect for the rights pertaining to democratic governance is at the root of all the major violations of human rights in Myanmar;

(c) That the Government of Myanmar has not yet agreed to a visit by the Special Rapporteur;

(d) That most of the representatives democratically elected in 1990 have been excluded from participating in the meetings of the National Convention, that severe restrictions have been imposed on delegates, including members of the National League for Democracy, who have withdrawn and subsequently were excluded, at the end of 1995, from the sessions of the Convention and who were unable to meet or distribute their literature, and that one of the objectives of the Convention is to maintain the participation of the armed forces (Tatmadaw) in a leading role in the future political life of the State, and concludes that the National Convention does not appear to constitute the necessary steps towards the restoration of democracy;

(e) At the restrictions placed upon Daw Aung San Suu Kyi and other political leaders, at harassment, detention and forced resignations of elected representatives, at the recent attack against Daw Aung San Suu Kyi and other members of the National League for Democracy and at the mass arbitrary arrest of and the harsh sentences imposed on members of the National League for Democracy and other supporters of democratic groups in Myanmar, including persons peacefully exercising their right to freedom of expression during the recent student demonstrations;

(f) At the forced relocation and other violations of the rights of persons belonging to minorities, resulting in a flow of refugees to neighbouring countries, and at the recent attacks on members of the Karen ethnic group, resulting in death, destruction and displacement;

(g) At violations of the rights of children in contravention of the Convention on the Rights of the Child, in particular by the lack of conformity of the existing legal framework with that Convention, by systematic recruitment of children into forced labour, and by discrimination against children belonging to ethnic and religious minority groups;

3. Calls upon the Government of Myanmar:

(a) To guarantee an end to violations of the right to life and integrity of the human being, to ensure full respect for human rights and fundamental freedoms, including freedoms of thought, opinion, expression, association and assembly, the right to a fair trial by an independent and impartial judiciary and the protection of the rights of persons belonging to ethnic and religious minorities, and urgently to improve conditions of detention;

(b) To take urgent and meaningful measures to ensure the establishment of democracy in accordance with the will of the people as expressed in the democratic elections held in 1990 and, to this end, to engage at the earliest possible date in a substantive political dialogue with the leaders of political parties returned at the elections of 1990, including Daw Aung San Suu Kyi, and with leaders of ethnic groups, as the best means of promoting national reconciliation and restoration of democracy, and to ensure that political parties and non-governmental organizations can function freely;

(c) To cooperate fully with the relevant mechanisms of the Commission, in particular the Special Rapporteur, and to ensure his access to Myanmar, without preconditions, in order to allow him fully to discharge his mandate, and to cooperate with the Secretary-General or his representatives, including by allowing access to any person deemed appropriate by the Secretary-General or the Special Rapporteur;

(d) To ensure the safety of all political leaders, including Daw Aung San Suu Kyi, and to release immediately and unconditionally detained political leaders and all political prisoners, to ensure their physical integrity and to permit them to participate in a meaningful process of national reconciliation;

(e) To consider becoming a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as well as to other human rights instruments;

(f) And all other parties to the hostilities in Myanmar to respect fully their obligations under international humanitarian law, including article 3 common to the Geneva Conventions of 12 August 1949, to halt the use of weapons against the civilian population, to protect all civilians, including persons belonging to ethnic or religious minorities, from violations of humanitarian law, and to avail themselves of services as may be offered by impartial humanitarian bodies;

(g) To fulfil its obligations as a State party to the Forced Labour Convention, 1930 (Convention No. 29) and to the Freedom of Association and Protection of the Right to Organize Convention, 1948 (Convention No. 87) of the International Labour Organization, and to cooperate more closely with the International Labour Organization, in particular with the Commission of Inquiry appointed in accordance with article 26 of the Constitution of the International Labour Organization;

(h) To create the necessary conditions to remove the causes of displacement and of refugee flows to neighbouring countries and to create conditions conducive to their voluntary return and their full reintegration, in safety and dignity, in close cooperation with the Office of the United Nations High Commissioner for Refugees;

(i) To fulfil its obligation to end impunity of perpetrators of human rights violations, including members of the military, and to investigate and prosecute alleged violations committed by government agents in all circumstances;

(j) To investigate the circumstances which led to the death in June 1996 of Mr. James Leander Nichols while detained by the Government of Myanmar, and to prosecute any person who could be held responsible;

4. Decides:

(a) To extend the mandate of the Special Rapporteur, as contained in Commission resolution 1992/58 of 3 March 1992, for a further year, and requests the Special Rapporteur to submit an interim report to the General Assembly at its fifty-second session on human rights in Myanmar and to report to the Commission at its fifty-fourth session, and to keep a gender perspective in mind when seeking and analysing information;

(b) To request the Secretary-General to continue to give all necessary assistance to the Special Rapporteur to enable him to discharge his mandate fully;

(c) To request the Secretary-General to continue his discussions with the Government of Myanmar and anyone in Myanmar he may consider appropriate in order to assist in the implementation of General Assembly resolution 51/117 and of the present resolution;

(d) To continue its examination of the situation of human rights in Myanmar at its fifty-fourth session under the agenda item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

67th meeting
16 April 1997
[Adopted without a vote. See chap. X.]

1997/65. Situation of human rights in Afghanistan

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and accepted humanitarian rules, as set out in the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 1977,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have freely undertaken under the various international instruments,

Recalling Economic and Social Council resolution 1984/37 of 24 May 1984, in which the Council requested the Chairman of the Commission on Human Rights to appoint a special rapporteur to examine the situation of human rights in Afghanistan,

Recalling that Afghanistan is a party to the Convention on the Prevention and Punishment of the Crime of Genocide, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of the Child, and that it has signed the Convention on the Elimination of All Forms of Discrimination against Women,

Recalling in particular its resolution 1996/75 of 23 April 1996, in which the Commission decided to extend the mandate of the Special Rapporteur on the situation of human rights in Afghanistan for one year and requested him to consider submitting a report to the General Assembly at its fifty-first session, and Economic and Social Council decision 1996/280 of 24 July 1996, in which the Council approved the Commission's decision,

Concerned that armed confrontation persists in certain parts of the territory of Afghanistan,

Aware that peace and security in Afghanistan are conducive to the full restoration of all human rights and fundamental freedoms, the voluntary return of refugees to their homeland in safety and dignity, the clearance of minefields in many parts of the country, and the reconstruction and rehabilitation of Afghanistan,

Noting General Assembly resolution 51/195 of 17 December 1996 and Security Council resolution 1076 (1996) of 22 October 1996,

Deeply concerned at reports of violations and abuses of human rights and humanitarian law, including the rights to life, liberty and security of person, and freedom of opinion, expression, religion and association,

Concerned in particular at reports of violations and abuses against women and children, especially regarding access to basic education for girl children and access by women to employment and training and their effective participation in political, economic, social and cultural life, Concerned also that a unified judicial system cannot be established throughout the country under the prevailing circumstances, and stressing the necessity, until one is created, for regional administrations to assume responsibility for the protection of the human rights of those people under their control, in accordance with internationally accepted standards of human rights,

Commending the activities carried out for the welfare of the Afghan people by various agencies and programmes of the United Nations, as well as by the International Committee of the Red Cross and other humanitarian organizations, including non-governmental organizations,

Welcoming the special emphasis that the United Nations Special Mission to Afghanistan has placed on human rights issues in its discussions with the Afghan parties,

1. Takes note with appreciation of the final report of the Special Rapporteur on the situation of human rights in Afghanistan (E/CN.4/1997/59) and of the conclusions and recommendations contained therein;

2. Notes with deep concern the intensification of armed hostilities in Afghanistan, which have resulted in the destruction of houses and in forced evictions, including on the ground of ethnicity, and calls upon all parties involved immediately to cease such hostilities and to engage in a political dialogue aimed at achieving national reconciliation and the return of displaced persons to their homes;

3. Notes with concern the ongoing deterioration of the situation of human rights in Afghanistan as reported by the Special Rapporteur and deplores the violations and abuses of human rights and humanitarian law, including the rights to life, liberty and security of person, freedom from torture and from other forms of cruel, inhuman or degrading treatment or punishment, freedom of opinion, expression, religion and association, and freedom from discrimination on the basis of gender;

4. Expresses its deep concern at the frequent practice of arbitrary arrest and detention and of summary trials, which have resulted in summary executions, throughout the country, as well as the application of forms of punishment that do not conform to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

5. Calls upon all the Afghan parties, in accordance with international human rights instruments, fully to respect and act in accordance with all human rights and fundamental freedoms, regardless of gender, ethnicity or religion;

6. Urges all the Afghan parties to restore respect for all the human rights of women, without delay, and in particular to take measures to ensure:

(a) The effective participation of women in civil, cultural, economic, political and social life throughout the country;

(b) Respect for the right of women to work, and reintegration in their employment;

(c) The right of women and of girls to education without discrimination, the reopening of schools and the admission of women and of girls to higher levels of education;

(d) Respect for women's right to security of person, and that those responsible for physical attacks on women are brought to justice;

(e) Respect for women's freedom of movement and effective access to facilities necessary to protect their right to the highest attainable standard of physical and mental health;

7. Encourages the Special Rapporteur to continue to pay attention to the human rights of women and of children and to apply a gender perspective in a similar manner as in his report to the Commission at its fifty-third session;

8. Demands that all the Afghan parties fulfil their obligations and commitments regarding the safety of all diplomatic missions and of United Nations personnel and other international personnel as well as their premises in Afghanistan, and cooperate fully with the United Nations and associated bodies as well as with non-governmental organizations, including humanitarian organizations, national and international, and other agencies;

9. Endorses the Special Rapporteur's condemnation of the abduction from United Nations premises of the former President of Afghanistan, Mr. Najibullah, and of his brother, and their subsequent summary execution;

10. Urges the Afghan authorities to provide sufficient and effective remedies to the victims of grave violations and abuses of human rights and of accepted humanitarian rules and to bring the perpetrators to trial in accordance with internationally accepted standards;

11. Strongly urges all the Afghan parties to work and cooperate fully with the United Nations Special Mission to Afghanistan with a view to achieving a comprehensive political solution leading to the cessation of armed confrontation and the establishment of a democratic government elected through free and fair elections, to be held throughout the country and based on the right to self-determination of the people of Afghanistan;

12. Recognizes that the promotion and protection of human rights should be an essential element in the achievement of a comprehensive solution to the crisis in Afghanistan, and therefore invites the Special Mission and the Special Rapporteur to exchange relevant information and to strengthen mutual consultation and cooperation;

13. Urges all the Afghan parties to respect fully international humanitarian law, to protect civilians, to halt the use of weapons against the civilian population, to stop the laying of landmines, especially

anti-personnel mines, and urges all the Afghan parties to prohibit the drafting and the recruitment of children as para-combatants and to ensure their reintegration into society;

14. Invites the United Nations to offer, once national reconciliation is achieved and upon request of the governmental authorities, advisory services and technical assistance concerning the drafting of a constitution, which should embody internationally accepted human rights principles and the holding of direct elections;

15. Stresses the importance of human rights education and awareness-building in both urban and rural areas, and encourages the international community to assist in this regard;

16. Encourages the United Nations Educational, Scientific and Cultural Organization to study, with the contribution of its competent committees, appropriate ways and means to restore the Afghan system of education and cultural heritage, in particular the restoration of the Kabul museum and other historical sites;

17. Urges all States to respect the full national independence and territorial integrity of Afghanistan and non-interference in its internal affairs, and takes note with concern of the report of the Special Rapporteur in which he reports having been informed of the presence of foreigners among prisoners of war;

18. Calls for the unconditional and simultaneous release of all prisoners of war, wherever they are held, including former Soviet prisoners of war, and for the tracing of the many Afghans still missing as the result of the war;

19. Calls upon all warring parties in Afghanistan to refrain from arbitrarily detaining civilian foreign nationals, and urges their captors to release them immediately;

20. Calls upon the Afghan parties to treat all suspects and convicted or detained persons in accordance with relevant international instruments;

21. Appeals to Member States and to the international community to provide on a non-discriminatory basis adequate humanitarian assistance to the people of Afghanistan and to the Afghan refugees in the neighbouring countries;

22. Encourages the United Nations Special Envoy to Afghanistan to exert efforts to ensure a gender perspective in the selection of his staff, in order to enhance the role of women in preventive diplomacy, peacemaking and peace-keeping;

23. Urges the Afghan parties to continue to extend their full cooperation to the Commission on Human Rights and its Special Rapporteur, and to facilitate access to all sectors of society;

24. _Decides_ to extend the mandate of the Special Rapporteur for one year, and requests the Special Rapporteur to report on the situation of human rights in Afghanistan to the Commission at its fifty-fourth session and to consider submitting a report to the General Assembly at its fifty-second session;

25. _Requests_ the Secretary-General to give all necessary assistance to the Special Rapporteur;

26. _Requests_ the United Nations High Commissioner for Human Rights to ensure a human rights presence in the context of the United Nations activities in Afghanistan in order to provide professional advice to all the Afghan parties, as well as to the intergovernmental and non-governmental organizations active in the field;

27. _Decides_ to continue its consideration of the situation of human rights in Afghanistan, as a matter of high priority, under the agenda item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

67th meeting
16 April 1997
[Adopted without a vote. See chap. X.]

1997/66. _Situation of human rights in Rwanda_

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the Convention on the Prevention and Punishment of the Crime of Genocide and other applicable human rights and humanitarian law standards,

Recalling its resolutions S-3/1 of 25 May 1994, 1995/91 of 8 March 1995 and 1996/76 of 23 April 1996,

Welcoming the commitments of the Government of Rwanda to protect and promote respect for human rights and fundamental freedoms as well as to eliminate impunity,

Noting the massive return to the country from Zaire and the United Republic of Tanzania of more than 1 million Rwandan refugees who left the country in 1994,

Taking note with concern of the report of the Special Rapporteur (E/CN.4/1997/61) and the report of the United Nations High Commissioner for Human Rights on the activities of the Human Rights Field Operation in Rwanda (E/CN.4/1997/52) concerning violations of human rights and fundamental freedoms in Rwanda, Reaffirming that the protection and promotion of human rights are necessary for sustaining the process of national reconstruction and reconciliation in Rwanda,

Welcoming the restructuring of the judicial system and the start of prosecution of those suspected of having committed the crime of genocide and the massacres in Rwanda,

1. Takes note of the reports of the Special Rapporteur on the situation of human rights in Rwanda and the United Nations High Commissioner for Human Rights on the activities of the Human Rights Field Operation in Rwanda;

2. Reiterates its strong condemnation of the crime of genocide, crimes against humanity and all other violations of human rights which were perpetrated in Rwanda, and expresses its concern at the continuation of human rights violations in Rwanda;

3. Remains deeply concerned at the continued suffering experienced by the survivors of the genocide and the massacres, especially the most vulnerable persons, and urges the Government of Rwanda and the international community to provide them with the necessary assistance;

4. Reaffirms that all persons who committed or authorized acts of genocide or other grave violations of international humanitarian law and those who are responsible for grave violations of human rights are individually responsible and accountable for those violations;

5. Calls upon the Government of Rwanda to investigate with vigour, and where possible to prosecute and punish, cases of rape and other sexual violence that occurred during and after the genocide, and to take steps to facilitate the participation of women, particularly genocide survivors and recent returnees, in all phases of social and economic reconstruction, with particular attention to matters concerning ownership of property;

6. Also calls upon the Government of Rwanda to extend an invitation to the Special Rapporteur on violence against women to visit Rwanda, for the purpose of studying the issue of sexual violence, its consequences and its relationship to the ongoing work of the International Criminal Tribunal for Rwanda as well as of national tribunals;

7. Welcomes the start of the trial of those suspected of the crime of genocide and crimes against humanity in Rwanda, remains concerned at the conditions under which the first genocide trials were conducted, especially with respect to legal representation, and encourages the Government of Rwanda to renew its commitment and its efforts to guarantee fair trials in accordance with internationally agreed standards and principles;

8. Expresses its concern with respect to conditions of detention which are not in conformity with international standards, appeals to the Government of Rwanda to take further action to improve these conditions and urges the international community to assist the Government of Rwanda in that field;

9. Appeals to the international community to contribute further financial and technical support to the Government of Rwanda for the strengthening of Rwanda's judicial system and for the reconstruction of human rights infrastructure;

10. Encourages the efforts of the Government of Rwanda to reconstruct a State based on the guarantee of respect for human rights and fundamental freedoms in accordance with the Universal Declaration of Human Rights and other relevant international instruments;

11. Expresses its grave concern at the deterioration in the human rights situation in Rwanda since the beginning of January 1997, in particular the increase in the killing of and attacks against genocide survivors and witnesses by members of the former Forces armées rwandaises, Interahamwe militia or other insurgents, and the killing of unarmed civilians by some elements of the security forces;

12. Notes the commitment of the Government of Rwanda to investigate extrajudicial executions committed by some members of the security forces, and calls upon the competent national authorities to conduct these investigations promptly and with all due rigour;

13. Condemns in the strongest terms any acts of violence or intimidation against the staff of the United Nations or any other international staff serving in Rwanda, especially the assassination of five human rights observers - one Cambodian, one United Kingdom and three Rwandan nationals - that of three Spanish members of Médecins du monde and that of a Canadian national, and pays tribute to their memory;

14. Appeals to the Government of Rwanda to continue to ensure the security of United Nations staff, humanitarian personnel and all individuals serving in the country;

15. Expresses its satisfaction at the welcome extended by the Government of Rwanda to the Rwandan refugees who left the country in 1994 upon their massive return in November 1996, and calls upon the Government of Rwanda to guarantee their safety and right to property;

16. Calls upon States, United Nations bodies and agencies and other international organizations to intensify their efforts to contribute further financial and technical support to the efforts of the Government of Rwanda aimed at the resettlement of all the refugees and survivors of the 1994 genocide and massacres, as well as the implementation of the national reconstruction and resettlement programme;

17. Reaffirms the importance of the continuation of the Human Rights Field Operation in Rwanda, welcomes the cooperation the Government of Rwanda has continuously extended to it and calls upon the Government of Rwanda to ensure the security and safety of the staff of the Operation and access for that staff throughout Rwanda;

18. Reiterates its requests that all States concerned cooperate fully with the International Criminal Tribunal for Rwanda to ensure that all those

guilty of the crime of genocide, crimes against humanity and other grave violations of human rights committed in Rwanda are brought to justice in accordance with international principles of due process;

19. Expresses its appreciation for the work the Special Rapporteur has carried out in the past three years in the fulfilment of his mandate;

20. Requests the Chairman of the Commission to appoint a special representative with the mandate to make recommendations on how to improve the human rights situation in Rwanda, to facilitate the creation and effective functioning of an independent national human rights commission in Rwanda, and further to make recommendations on situations in which technical assistance to the Government of Rwanda in the field of human rights may be appropriate;

21. Requests the special representative to report to the General Assembly at its fifty-second session and to the Commission at its fifty-fourth session in accordance with his mandate;

22. Requests the High Commissioner for Human Rights to continue to report regularly on the activities and findings of the Human Rights Field Operation in Rwanda, and to make those reports widely and promptly available to both the Commission and the General Assembly;

23. Calls upon all States to respond to the appeal of the High Commissioner for Human Rights to contribute urgently to the costs of the Human Rights Field Operation in Rwanda, and to work for lasting solutions to the problem of its financing, including through the regular budget of the United Nations;

24. Requests the High Commissioner for Human Rights to submit a report on the implementation of the present resolution to the Commission on Human Rights at its fifty-fourth session and to the General Assembly at its fifty-second session, under the agenda item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

67th meeting
16 April 1997
[Adopted without a vote. See chap. X.]

1997/67. Situation of human rights in Equatorial Guinea and assistance in the field of human rights

The Commission on Human Rights,

Recalling its resolution 1996/66 of 23 April 1996,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights, *Reaffirming* that all States have the obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Bearing in mind that, since the adoption by the Economic and Social Council of its decision 1993/277 of 28 July 1993 and the appointment of Mr. Alejandro Artucio as Special Rapporteur of the Commission on Human Rights, the Government of Equatorial Guinea has received the advisory services of the Special Rapporteur and the High Commissioner/Centre for Human Rights, and that the Special Rapporteur has observed progress in the field of human rights and fundamental freedoms, as indicated in his reports (E/CN.4/1996/67 and Add.1 and E/CN.4/1997/54),

Taking note of the observation of the Special Rapporteur contained in his latest report that Equatorial Guinea is a party to the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol thereto, and the Convention on the Elimination of All Forms of Discrimination against Women, and his observations that there is political will on the part of the authorities and that efforts made in this regard have led to progress in the situation of human rights and fundamental freedoms,

Conscious that some progress has been made in the field of human rights and fundamental freedoms in Equatorial Guinea,

Noting with concern the continued existence of deficiencies or conditions that lead to violations and abuses of human rights, including the impunity enjoyed by some State officials who have perpetrated or instigated human rights violations, the failure to provide for an independent judiciary, the excessive encroachment of military jurisdiction into criminal matters, the insufficient publicity given to laws and government acts, the continued, if less blatant, repression of dissidents and opponents of the Government, the existence, albeit on a lesser scale, of torture and ill-treatment of prisoners, limitations, also on a declining scale, on the exercise of the right of assembly and other political rights, discrimination against persons belonging to distinct ethnic groups, and failure to complete procedures that would allow legal recognition of non-governmental organizations,

Encouraging the Government of Equatorial Guinea, the political parties and governmental and non-governmental organizations to continue their efforts in promoting and protecting human rights and fundamental freedoms,

Noting with satisfaction that in January 1997 the Government of Equatorial Guinea and the political parties of the opposition resumed political dialogue to revise the National Pact concluded in 1993,

1. *Expresses its thanks* to the Special Rapporteur for his report (E/CN.4/1997/54) and welcomes the report and the atmosphere of understanding, assistance and cordiality which the authorities of Equatorial Guinea provided him during his mission;

2. *Expresses its appreciation* of the efforts of the Government of Equatorial Guinea in welcoming the advisory services and technical assistance, which have led to some progress in the field of human rights and fundamental freedoms in Equatorial Guinea;

3. *Notes with interest* that the continuity of the process of democratization in Equatorial Guinea has led the Government and the political parties of the opposition to resume their political dialogue in order to revise the National Pact concluded in 1993;

4. *Invites* the Government of Equatorial Guinea, in anticipation of the legislative elections for the entire House of Representatives of the People to be held in 1998, to take all the necessary measures to guarantee transparency and respect for the electoral law in force in Equatorial Guinea in order to facilitate the free participation of all political parties in the electoral process and, for this purpose, to continue the dialogue with all political parties, which may contribute to the advancement of the process of democratization;

5. *Also invites* the Government of Equatorial Guinea to reform the electoral legislation in accordance with the recommendations of the United Nations electoral adviser and those of the Special Rapporteur contained in his report;

6. *Encourages* the Government of Equatorial Guinea to pay particular attention to the enjoyment of economic, social and cultural rights;

7. *Also encourages* the Government of Equatorial Guinea to continue the positive efforts it has already undertaken to put an end to the relegation of women to an inferior position and discrimination against them, and to extend their effective participation in the educational, professional, social and political spheres;

8. *Further encourages* the Government of Equatorial Guinea to implement the recommendations made by the Special Rapporteur, *inter alia* with respect to:

(a) The periodic and regular publication of laws, decrees and governmental acts;

(b) Accession to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and to the International Convention on the Elimination of All Forms of Racial Discrimination;

(c) The adoption of legislative and administrative measures to guarantee the full independence and impartiality of the judiciary, to ensure due process of law and the enforcement by the security forces of judicial decisions, and to put into effective operation the remedy of habeas corpus;

(d) The limitation of the jurisdiction of military courts to trying strictly military offences committed by military personnel;

(e) The transmission of precise instructions to the forces of order and security against arbitrary arrests and for respect of the right of the individual to security, integrity and freedom, and to put an end to the intimidation and harassment of political party activities and of citizens in general;

(f) The immediate termination of all acts of torture and cruel, inhuman or degrading treatment or punishment and the imposition of criminal and disciplinary penalties for those responsible for such human rights violations;

(g) The dismantling of police and military checkpoints responsible for such human rights violations;

(h) The termination of the impunity of those responsible in various ways for human rights violations;

(i) Opposition to any sign or symptom of discrimination against ethnic minorities;

9. Welcomes the improvement in the conditions of prisoners and detainees introduced by the authorities, and requests that these efforts continue in accordance with the Special Rapporteur's recommendations;

10. Requests the High Commissioner/Centre for Human Rights to establish a technical cooperation programme for strengthening the national capacities of Equatorial Guinea in the field of human rights;

11. Requests the High Commissioner/Centre for Human Rights and the Special Rapporteur to continue their technical assistance projects in partnership with the Government of Equatorial Guinea and in cooperation with the United Nations Development Programme and other United Nations agencies working in the field of human rights;

12. Decides to renew the mandate of the Special Rapporteur for one year;

13. Requests the Secretary-General to provide the Special Rapporteur with all the assistance necessary for the discharge of his mandate;

14. Requests the Special Rapporteur to report to the Commission at its fifty-fourth session;

15. Decides to consider the question at its fifty-fourth session under the agenda item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

67th meeting
16 April 1997
[Adopted without a vote. See chap. X.]

1997/68. Report of the United Nations High Commissioner for Human Rights

The Commission on Human Rights,

Recalling General Assembly resolution 48/141 of 20 December 1993, establishing the mandate of the United Nations High Commissioner for Human Rights for the promotion and protection of all human rights,

Reaffirming its commitment to the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in June 1993 (A/CONF.157/23),

Recalling its resolution 1996/78 of 23 April 1996, in which it requested the High Commissioner for Human Rights to continue to report to the Commission about the measures taken and the progress made in the implementation of the Vienna Declaration and Programme of Action,

Noting the decisive and important role played by the High Commissioner, in accordance with General Assembly resolution 48/141, in order to remove the obstacles and meet the challenges in the promotion of all human rights and in preventing persistent violations of human rights around the world, as reflected in the Vienna Declaration and Programme of Action,

Having examined the report of the High Commissioner,

1. Takes note with appreciation of the report of the United Nations High Commissioner for Human Rights, entitled "Building a partnership for human rights" (E/CN.4/1997/98 and Add.1 and Add.1/Corr.1);

2. Thanks the High Commissioner for his efforts in strengthening United Nations activities in the field of human rights, in spite of the prevailing financial constraints;

3. Recognizes the efforts of the High Commissioner in enhancing the Centre for Human Rights and in endowing it with an adequate administrative structure, which allows it to put into practice the promotion and protection of all human rights and fundamental freedoms;

4. Recognizes the importance of continuing to support the activities of the High Commissioner/Centre for Human Rights, taking into account that the duplication of functions must be avoided because they constitute an integral part of the United Nations for the promotion and protection of all human rights;

5. Expresses its satisfaction at the constructive manner in which the High Commissioner has carried out his functions;

6. Decides to continue the consideration of this question at its fifty-fourth session under the same agenda item.

67th meeting
16 April 1997
[Adopted without a vote. See chap. XXII.]

1997/69. Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action

The Commission on Human Rights,

Recalling General Assembly resolution 48/121 of 20 December 1993, in which the Assembly endorsed the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights (A/CONF.157/23), as well as its own resolution 1994/95 of 9 March 1994, in which it decided to review annually the progress towards the full implementation of the recommendations contained in the Vienna Declaration and Programme of Action,

Considering that the promotion of universal respect for and observance of human rights and fundamental freedoms is one of the basic purposes of the Charter of the United Nations and one of the main priorities of the Organization,

Recalling Part II, paragraph 100, of the Vienna Declaration and Programme of Action, in which the World Conference on Human Rights requested the Secretary-General to invite, on the occasion of the fiftieth anniversary of the Universal Declaration of Human Rights, all States and all organs and agencies of the United Nations system related to human rights to report to him on the progress made in the implementation of the Vienna Declaration and Programme of Action and to submit a report to the General Assembly at its fifty-third session, through the Commission on Human Rights and the Economic and Social Council,

Recalling also that regional and, as appropriate, national human rights institutions, as well as non-governmental organizations, may present their views to the Secretary-General on the progress made in the implementation of the Vienna Declaration and Programme of Action, and that special attention should be paid to assessing the progress towards the goal of universal ratification of international human rights treaties and protocols adopted within the framework of the United Nations,

Recognizing that the interdependence of democracy, development and respect for human rights, as stated in the Vienna Declaration and Programme of Action, requires a comprehensive and integrated approach to the promotion and protection of human rights and that adequate inter-agency cooperation and coordination are essential in order to ensure such a fully integrated approach throughout the United Nations system,

Noting that the United Nations High Commissioner for Human Rights has established a permanent dialogue with the United Nations programmes and agencies whose activities deal with human rights in order to maintain systematic exchanges of information, experience and expertise,

Welcoming the fact that the call of the World Conference on Human Rights for a United Nations system-wide approach to human rights issues has been reflected in the recommendations of major international conferences organized by the United Nations in the economic, social and related fields, _Noting_ the ongoing efforts to ensure a coordinated follow-up to major international conferences in the economic, social and related fields,

Recalling that each year the Economic and Social Council shall carry out, within the framework of its coordination segment, a review of cross-cutting themes common to major international conferences and/or contribute to an overall review of the implementation of the programme of action of a United Nations conference, in accordance with agreed conclusions 1995/1 of the Economic and Social Council,

Recalling its resolution 1996/78 of 23 April 1996, as well as Economic and Social Council decision 1996/283 of 24 July 1996,

Having considered the report of the High Commissioner for Human Rights (E/CN.4/1997/98 and Add.1 and Add.1/Corr.1), in particular chapter VIII, entitled "1998 - Human Rights Year",

1. _Reaffirms_ the importance of the promotion of universal respect for, and observance and protection of, all human rights and fundamental freedoms in accordance with the Charter of the United Nations, as expressed in the Vienna Declaration and Programme of Action;

2. _Recognizes_ that the international community should devise ways and means to remove current obstacles and meet the challenges to the full realization of all human rights and to prevent the continuation of human rights violations resulting therefrom throughout the world;

3. _Calls upon_ all States to take further action with a view to the full realization of all human rights in the light of the recommendations of the World Conference on Human Rights;

4. _Urges_ all States to continue to give widespread publicity to the Vienna Declaration and Programme of Action, in particular in the context of the public information and human rights education activities for the fiftieth anniversary of the Universal Declaration of Human Rights, including through training programmes, human rights education and public information, in order to promote increased awareness of human rights and fundamental freedoms;

5. _Calls upon_ all special representatives, special rapporteurs, independent experts and thematic working groups of the Commission to take fully into account the recommendations contained in the Vienna Declaration and Programme of Action within their respective mandates;

6. _Requests_ the United Nations High Commissioner for Human Rights, the General Assembly and other organs and bodies of the United Nations system related to human rights to take further action with a view to the full implementation of all the recommendations of the Conference;

7. _Requests_ the High Commissioner to continue to coordinate the human rights promotion and protection activities throughout the United Nations system, as set out in General Assembly resolution 48/141 of 20 December 1993, including through a permanent dialogue with the United Nations agencies and programmes whose activities deal with human rights;

8. *Invites* the Administrative Committee on Coordination to continue to discuss the implications of the Vienna Declaration and Programme of Action for the United Nations system, with the participation of the High Commissioner, in particular in the context of the preparations for the 1998 five-year review;

9. *Takes note* of the intention of the High Commissioner to invite all States and all organs and agencies of the United Nations system related to human rights to carry out a thorough evaluation of the implementation of the Vienna Declaration and Programme of Action, as part of the five-year review foreseen in Part II, paragraph 100, of the Vienna Declaration and Programme of Action;

10. *Calls upon* all States to contribute actively to the preparations for the 1998 five-year review;

11. *Welcomes* the inter-agency coordination of the High Commissioner with all United Nations programmes and agencies whose activities deal with human rights for the preparations for the 1998 five-year review, and calls upon them to contribute actively to this process;

12. *Encourages* regional and national human rights institutions as well as non-governmental organizations to present, on this occasion, their views on the progress made in the implementation of the Vienna Declaration and Programme of Action;

13. *Welcomes and supports* Economic and Social Council decision 1996/283 of 24 July 1996, in which the Council endorsed the recommendation of the Commission to consider devoting the coordination segment at its substantive session of 1998 to the question of the coordinated follow-up to, and implementation of, the Vienna Declaration and Programme of Action as part of the 1998 five-year review foreseen in Part II, paragraph 100, of the Vienna Declaration and Programme of Action;

14. *Requests* the High Commissioner to continue to report on the measures taken and the progress achieved in the comprehensive implementation of the Vienna Declaration and Programme of Action, in particular concerning the 1998 five-year review;

15. *Decides* to consider this question at its fifty-fourth session under the agenda item entitled "Follow-up to the World Conference on Human Rights".

67th meeting
16 April 1997
[Adopted without a vote. See chap. XXII.]

1997/70. Question of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms

The Commission on Human Rights,

Recalling its decision 1984/116 of 16 March 1984, by which it established an open-ended working group to draft a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms,

Recalling also its subsequent resolutions, in particular resolution 1996/81 of 23 April 1996, in which it authorized further meetings of the working group,

Recalling further that the World Conference on Human Rights recommended speedy completion and adoption of the draft declaration,

Conscious of the importance of taking into account the opinions of all interested States and intergovernmental and non-governmental organizations before finalizing the draft declaration,

Conscious also of the importance of the adoption of the draft declaration in the context of the fiftieth anniversary of the Universal Declaration of Human Rights,

1. Takes note of the report of the working group (E/CN.4/1997/92);

2. Urges the working group, without prejudice to the importance of working towards consensus, to complete its task promptly and submit the draft declaration to the Commission;

3. Decides to continue its work with a view to adopting the draft declaration at its fifty-fourth session;

4. Also decides to make available an appropriate meeting time for the working group prior to and during the fifty-fourth session of the Commission;

5. Recommends the following draft resolution to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. A, draft resolution III.]

67th meeting
16 April 1997
[Adopted without a vote. See chap. XX.]

1997/71. Human rights and bioethics

The Commission on Human Rights,

Recalling that, according to the Universal Declaration of Human Rights, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recalling also the ideal of free human beings enjoying freedom from fear and want, as recognized by the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Seeking to preserve the dignity and integrity of the human being,

Recalling the right of everyone, as recognized by the International Covenant on Economic, Social and Cultural Rights, to enjoy the benefits of scientific progress and its applications,

Convinced, in accordance with the International Covenant on Economic, Social and Cultural Rights, of the benefits to be derived from the encouragement and development of international contacts and cooperation in the scientific field,

Recalling the provisions of the International Covenant on Civil and Political Rights, whereby no one shall be subjected without his free consent to medical or scientific experimentation,

Recalling also the Principles of Medical Ethics relevant to the role of health personnel, particularly physicians, in the protection of prisoners and detainees against torture and other cruel, inhuman or degrading treatment or punishment, adopted by the General Assembly in its resolution 37/194 of 18 December 1982,

Emphasizing that, under the Convention on the Rights of the Child, States are obliged to protect children against any form of violence,

Aware of the rapid development of the life sciences and the dangers that certain practices may pose to the integrity and dignity of the individual,

Seeking to ensure that scientific progress benefits individuals and develops in a manner respectful of fundamental human rights,

Recalling in this connection its resolutions 1991/45 of 5 March 1991 and 1993/91 of 10 March 1993,

Referring to decision 1994/108 of 19 August 1994 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities regarding this question,

Recognizing in this regard the need for international cooperation in order to ensure that mankind as a whole benefits from the life sciences and to prevent them from being used for any purpose other than the good of mankind, *Taking note* of the adoption by the Council of Ministers of the Council of Europe, on 4 April 1997, of the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine,

Taking note also of the draft international declaration on the human genome and the protection of human rights, currently being prepared by the United Nations Educational, Scientific and Cultural Organization, which is intended to establish the principle of the fundamental unity of all members of the human family and to ensure recognition of the dignity inherent in each of them, in the light of scientific and technological developments in the areas of biology and genetics,

Convinced of the need to develop a life sciences ethic at the national and international levels,

1. *Takes note again with satisfaction* of the report of the Secretary-General (E/CN.4/1995/74);

2. *Invites* Governments, the specialized agencies and other organizations of the United Nations system, in particular the United Nations Educational, Scientific and Cultural Organization and the World Health Organization, and other intergovernmental, particularly regional, organizations and non-governmental organizations to inform the Secretary-General of activities being carried out to ensure that the life sciences develop in a manner respectful of human rights and beneficial to humanity as a whole;

3. *Also invites* Governments to inform the Secretary-General of legislative or other measures taken to this end;

4. *Draws the attention* of Governments both to the importance of research on the human genome and its applications for the improvement of the health of individuals and mankind as a whole and to the need to safeguard the rights of the individual and his dignity, as well as his identity and unity, and to the need to protect the confidentiality of genetic data concerning a named person;

5. *Invites* Governments to consider establishing independent, multidisciplinary and pluralist committees of ethics to assess, notably in conjunction with the International Bioethics Committee of the United Nations Educational, Scientific and Cultural Organization, the ethical, social and human questions raised by the biomedical research undergone by human beings and, in particular, research relating to the human genome and its applications, and also invites them to inform the Secretary-General of the establishment of any such bodies, with a view to promoting exchanges of experience between such institutions;

6. *Requests* the Sub-Commission on Prevention of Discrimination and Protection of Minorities, under the agenda item entitled "Human rights and scientific and technological developments", to consider ways of ensuring that the life sciences develop in a manner fully respectful of human rights and beneficial to humanity as a whole and to make recommendations to that effect;

7. Requests the Secretary-General to prepare a report on the basis of these contributions for consideration by the Commission at its fifty-fifth session.

67th meeting
16 April 1997
[Adopted without a vote. See chap. XII.]

1997/72. Right to development

The Commission on Human Rights,

Guided by the Charter of the United Nations, expressing in particular the determination to promote social progress and better standards of life in larger freedom as well as to employ international mechanisms for the promotion of the economic and social advancement of all peoples,

Recalling that the Declaration on the Right to Development adopted by the General Assembly in its resolution 41/128 of 4 December 1986 confirmed that the right to development is an inalienable human right and that equality of opportunity for development is a prerogative both of nations and of individuals, who make up nations,

Noting that the World Conference on Human Rights reaffirmed the right to development as a universal and inalienable right and an integral part of all fundamental human rights,

Noting also that the human person is the central subject of development and that development policy should therefore make the human being the main participant and beneficiary of development,

Emphasizing that all human rights are universal, indivisible and interdependent and interrelated, that the international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis, and that, while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms,

Underlining the fact that realization of the right to development requires effective development policies at the national level, as well as equitable economic relations and a favourable economic environment at the international level,

Underlining also that the implementation of the Declaration on the Right to Development requires effective development policies and support at the international level through the effective contribution of States, organs and organizations of the United Nations systems and of non-governmental organizations active in this field, Recalling its resolution 1996/15 of 11 April 1996, in which it decided to establish an intergovernmental group of experts with a mandate to elaborate a strategy for the implementation and promotion of the right to development, and General Assembly resolution 51/99 of 12 December 1996,

Recognizing that States have the primary responsibility for the creation of national and international conditions favourable to the realization of the right to development and that the realization of the right to development requires full respect for the principles of international law concerning friendly relations and cooperation among States in accordance with the Charter of the United Nations,

Recalling the need for coordination and cooperation throughout the United Nations system for a more effective promotion and realization of the right to development,

Underlining the important role of the United Nations High Commissioner for Human Rights in the promotion and protection of the right to development, as mandated in paragraph 4 (c) of General Assembly resolution 48/141 of 20 December 1993,

Recognizing the need for the Intergovernmental Group of Experts to implement its mandate in all its aspects,

Taking into account the conclusions reached by the Intergovernmental Group of Experts on international and national aspects of the right to development (E/CN.4/1997/22),

Noting with concern that the Declaration on the Right to Development is insufficiently disseminated and should be taken into account, as appropriate, in bilateral and multilateral cooperation programmes and national development strategies and policies and activities of international organizations,

Affirming the need to apply a gender perspective in the implementation of the right to development, inter alia by ensuring that women play an active role in the development process,

1. Reaffirms the importance of the right to development for every human person and all peoples in all countries, in particular the developing countries, as an integral part of their fundamental human rights;

2. Recognizes that the Declaration on the Right to Development constitutes an integral link between the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action (A/CONF.157/23) through its elaboration of a holistic vision integrating economic, social and cultural rights with civil and political rights;

3. Urges all States to eliminate all obstacles to development at all levels, by pursuing the promotion and protection of economic, social, cultural, civil and political rights and by implementing comprehensive development programmes at the national level, integrating these rights into development activities, and by promoting effective international cooperation;

4. *Also urges* all States to further promote the right to development as a vital element in a balanced human rights programme;

5. *Requests* the United Nations High Commissioner for Human Rights to:

(a) Examine ways and means to provide the Declaration on the Right to Development with a profile commensurate with its importance;

(b) Disseminate the present resolution to all Governments, intergovernmental organizations, non-governmental organization, members of treaty bodies and academic institutions, inviting views on ways and means as specified in subparagraph (a) above, including the Declaration's relationship with important human rights instruments, such as those constituting the International Bill of Human Rights;

6. *Reaffirms* the need for States to cooperate with a view to promoting, encouraging and strengthening universal respect for and observance of all human rights and fundamental freedoms for all, without any distinction as to race, sex, language or religion;

7. *Calls upon* the High Commissioner to continue to accord priority to the right to development and provide commensurate support in terms of staff, services and resources for its programmatic follow-up, within his mandate;

8. *Requests* the High Commissioner to ensure widespread dissemination and promotion of the Declaration on the Right to Development, in close cooperation with States and intergovernmental organizations, national institutions, academia and interested non-governmental organizations worldwide, *inter alia* through workshops and seminars;

9. *Recommends* that activities being organized as part of the celebration of the fiftieth anniversary of the Universal Declaration of Human Rights should, *inter alia*, project the role and importance of the right to development;

10. *Invites* the High Commissioner to continue to consult regularly, on a formal or informal basis, with all States on the follow-up to the Declaration on the Right to Development and to request them to inform him of their efforts to implement the Declaration;

11. *Notes* that the High Commissioner has initiated a dialogue with the World Bank with regard to the right to development, and in this connection stresses that:

(a) Such a dialogue should contribute to identifying the obstacles to the full implementation of the Declaration on the Right to Development;

(b) Such discussions should contribute to initiatives, policies, programmes and activities that promote the right to development;

(c) Such discussions should also focus on mainstreaming a gender perspective in the implementation of the Declaration on the Right to Development regarding development assistance;

and calls upon the High Commissioner to inform Member States on a regular basis through informal meetings on the progress of the dialogue;

12. Welcomes the initiative of the High Commissioner to organize regional seminars, and calls upon him to ensure that such seminars focus on all aspects of the realization of the right to development;

13. Notes the procedures adopted by the Intergovernmental Group of Experts in the conduct of its work during its first session and the report it submitted to the Commission at its fifty-third session, and calls upon the Group of Experts to:

(a) Encourage participation of Member States, international institutions and non-governmental organizations in its deliberations, inter alia through a greater use of public meetings;

(b) Continue to implement its mandate as contained in Commission resolution 1996/15, namely the elaboration of a strategy for the implementation and promotion of the right to development as set forth in the Declaration on the Right to Development;

(c) Continue to give due consideration to recommendations for the elimination of obstacles already identified to the realization of the right to development;

(d) Continue to explore ways and means for the promotion of international cooperation, dialogue and partnership for the realization of the right to development;

(e) Give due consideration to the possibility of establishing a follow-up mechanism, or enhancing existing ones, to the Declaration on the Right to Development;

14. Requests the Secretary-General to submit to the General Assembly at its fifty-third session and to the Commission on Human Rights at its fifty-fourth session a comprehensive report on the implementation of the various provisions of the present resolution.

67th meeting
16 April 1997
[Adopted without a vote. See chap. VI.]

1997/73. Measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance

The Commission on Human Rights,

Reaffirming its resolution 1996/21 of 19 April 1996 and recalling General Assembly resolution 51/79 of 12 December 1996, as well as resolution 1996/8 of 23 August 1996 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Mindful of General Assembly resolution 45/105 of 14 December 1990, in which the Assembly declared once again that all forms of racism and racial discrimination, particularly in their institutionalized form, such as apartheid, or resulting from official doctrines of racial superiority or exclusivity, were among the most serious violations of human rights in the contemporary world and must be combated by all available means,

Bearing in mind the Vienna Declaration and Programme of Action (A/CONF.157/23), which calls for the speedy and comprehensive elimination of all forms of racism, racial discrimination, xenophobia and related intolerance,

Deeply concerned that, despite continuing efforts, contemporary forms of racism, racial discrimination, any form of discrimination, *inter alia* against Blacks, Arabs and Muslims, xenophobia, negrophobia, anti-Semitism and related intolerance persist and are even growing in magnitude, incessantly adopting new forms, including tendencies to establish policies based on racial, religious, ethnic, cultural and national superiority or exclusivity,

Conscious of the fundamental difference between, on the one hand, racism and racial discrimination as an institutionalized governmental policy or resulting from official doctrines of racial superiority or exclusivity and, on the other hand, other manifestations of racism, racial discrimination, xenophobia and related intolerance taking place in segments of many societies and perpetrated by individuals or groups, some of which are directed against migrant workers and their families,

Aware that racism, being one of the exclusionist phenomena plaguing many societies, requires resolute action and cooperation for its eradication,

Firmly convinced of the need to take effective and sustained measures at the international, regional and national levels for the elimination of all forms of racism and racial discrimination and, in particular, of the importance of strengthening national legislation and institutions for the promotion of racial harmony,

Noting the conclusion of the Special Rapporteurs of the Sub-Commission in their final report on the right to freedom of opinion and expression (E/CN.4/Sub.2/1992/9),

Noting also that the Committee on the Elimination of Racial Discrimination, in its general recommendation XV (42) of 17 March 1993 on article 4 of the International Convention on the Elimination of All Forms of

Racial Discrimination, held that the prohibition of the dissemination of all ideas based on racial superiority or racial hatred was compatible with the right to freedom of opinion and expression as outlined in article 19 of the Universal Declaration of Human Rights, and in article 5 of the Convention,

Having examined the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (E/CN.4/1997/71 and Corr.1 and Add.1 and 2), as well as addenda to the Special Rapporteur's previous report (E/CN.4/1996/72/Add.2-4),

Observing that the manifestations of contemporary forms of racism, racial discrimination, xenophobia and related intolerance bode ill for the international community, that racist propaganda and incitement to racial hatred are spreading and that racism is taking increasingly violent forms,

Reaffirming that impunity for crimes motivated by racist and xenophobic attitudes contributes to the weakening of the rule of law and tends to encourage the recurrence of such crimes,

Underlining the importance of creating conditions that foster greater harmony and tolerance within societies,

1. *Takes note* of the reports submitted by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, including their addenda;

2. *Expresses its support and appreciation* for the work of the Special Rapporteur and for its continuation;

3. *Commends* those States that have so far invited and received the Special Rapporteur, and invites them to examine carefully the recommendations contained in his reports, with a view to their possible implementation;

4. *Expresses its profound concern at and unequivocal condemnation* of all forms of racism, racial discrimination and all racist acts, in particular racist violence and related acts of random and indiscriminate violence;

5. *Expresses its deep concern at and condemnation* of manifestations of racism, racial discrimination, xenophobia and related intolerance against migrant workers and members of their families and other vulnerable groups in many societies;

6. *Categorically condemns* any role played by some print, audio-visual or electronic media in inciting acts of violence motivated by racial hatred;

7. *Supports* the efforts of Governments in taking measures aimed at the eradication of all forms of racism, racial discrimination, xenophobia and related intolerance and, in this regard, welcomes the designation by the European Union of 1997 as European Year against Racism;

8. *Calls upon* all States to enact and enforce legislation to prevent and sanction acts of racism and racial discrimination, and notes the conclusions and recommendations of the Special Rapporteur in this regard, as well as those on integration policies;

9. *Supports* the efforts of Governments to discourage, as appropriate, incitement to discriminatory acts based on racial hatred and racial violence;

10. *Recommends* that States give priority to education as a principal means of preventing and eradicating racism and racial discrimination and of creating awareness of the principles of human rights, particularly among young people, and to the training of law enforcement personnel, *inter alia* through the promotion of tolerance and respect for cultural diversity;

11. *Welcomes* the active role played by non-governmental organizations in combating racism and assisting individual victims of racist acts;

12. *Requests* the Special Rapporteur to continue his exchange of views with Member States and the relevant mechanisms and treaty bodies within the United Nations system in order to enhance further their effectiveness and mutual cooperation;

13. *Calls upon* all Governments, intergovernmental organizations and relevant organizations of the United Nations system, as well as non-governmental organizations, to supply information to the Special Rapporteur;

14. *Urges* all Governments to cooperate fully with the Special Rapporteur with a view to enabling him to fulfil his mandate to examine incidents of contemporary forms of racism, racial discrimination, any form of discrimination, *inter alia* against Blacks, Arabs and Muslims, xenophobia, negrophobia, anti-Semitism and related intolerance;

15. *Requests* the Special Rapporteur to make the fullest use of all appropriate sources of information, including country visits and evaluation of the mass media, and to elicit responses from Governments with regard to allegations;

16. *Invites* all Governments to take measures, where possible, to provide assistance and rehabilitation to victims of acts of racism, racial discrimination, xenophobia and related intolerance;

17. *Regrets* that the Special Rapporteur continues to encounter difficulties in his efforts to fulfil his mandate, owing to the lack of necessary resources;

18. *Requests* the Secretary-General to provide the Special Rapporteur, without any further delay, with all the appropriate assistance and resources to carry out his mandate and enable him to submit an interim report to the General Assembly at its fifty-second session and a comprehensive report to the Commission at its fifty-fourth session;

19. *Decides* to continue its consideration of this question at its fifty-fourth session under the agenda item entitled "Implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination" as a matter of priority.

68th meeting
18 April 1997
[Adopted without a vote. See chap. XIII.]

1997/74. *Racism, racial discrimination, xenophobia and related intolerance*

The Commission on Human Rights,

Reaffirming the Universal Declaration of Human Rights, the Charter of the United Nations, the International Covenants on Human Rights and the International Convention on the Elimination of All Forms of Racial Discrimination,

Reaffirming also its firm determination and its commitment to eradicate totally and unconditionally racism in all its forms and racial discrimination, and its conviction that racism and racial discrimination constitute a total negation of the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights,

Reaffirming further its resolution 1996/21 of 19 April 1996 and recalling General Assembly resolution 51/79 of 12 December 1996, as well as resolution 1996/8 of 23 August 1996 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Mindful of General Assembly resolution 45/105 of 14 December 1990, in which the Assembly declared once again that all forms of racism and racial discrimination, particularly in their institutionalized form, such as apartheid, or resulting from official doctrines of racial superiority or exclusivity, were among the most serious violations of human rights in the contemporary world and must be combated by all available means,

Recalling the recommendations of the two World Conferences to Combat Racism and Racial Discrimination, held in Geneva in 1978 and 1983,

Bearing in mind the Vienna Declaration and Programme of Action (A/CONF.157/23), which calls for the speedy and comprehensive elimination of all forms of racism, racial discrimination, xenophobia and related intolerance,

Deeply concerned that, despite continuing efforts, contemporary forms of racism, racial discrimination, any form of discrimination, *inter alia* against Blacks, Arabs and Muslims, xenophobia, negrophobia, anti-Semitism and related intolerance persist and are even growing in magnitude, incessantly adopting new forms, including tendencies to establish policies based on racial, religious, ethnic, cultural and national superiority or exclusivity, *Conscious* of the fundamental difference between, on the one hand, racism and racial discrimination as an institutionalized governmental policy or resulting from official doctrines of racial superiority or exclusivity and, on the other hand, other manifestations of racism, racial discrimination, xenophobia and related intolerance taking place in segments of many societies and perpetrated by individuals or groups, some of which are directed against migrant workers and their families,

Noting with grave concern that, despite the efforts of the international community, the principal objectives of two Decades for Action to Combat Racism and Racial Discrimination have not been attained and that millions of human beings continue to this day to be victims of varied forms of racism and racial discrimination,

Noting General Assembly resolution 48/91 of 20 December 1993, in which the Assembly proclaimed the Third Decade to Combat Racism and Racial Discrimination, beginning in 1993, and adopted the Programme of Action proposed for the Third Decade,

Having examined the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (E/CN.4/1997/71 and Corr.1 and Add.1 and 2), as well as addenda to the Special Rapporteur's previous report (E/CN.4/1996/72/Add.2-4),

Observing that the manifestations of contemporary forms of racism, racial discrimination, xenophobia and related intolerance bode ill for the international community, that racist propaganda and incitement to racial hatred are spreading and that racism is taking increasingly violent forms,

Reaffirming its resolution 1996/46 of 19 April 1996, entitled "Human rights and thematic procedures", in which, *inter alia*, it invited the Governments concerned to study carefully the recommendations addressed to them under thematic procedures and to keep the relevant mechanisms informed promptly on the progress made towards their implementation,

Underlining the importance of urgently eliminating growing and violent trends of racism and racial discrimination, and conscious that any form of impunity for crimes motivated by racist and xenophobic attitudes plays a role in weakening the rule of law and democracy and tends to encourage the recurrence of such crimes, and requires resolute action and cooperation for its eradication,

Emphasizing the importance of the activities of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance,

Recalling General Assembly resolution 51/81 of 12 December 1996, in which the Assembly invited the Commission to consider, at its fifty-third session, as a matter of priority, the question of a possible world conference to combat racism, racial discrimination, xenophobia and other related contemporary forms of intolerance, and to make appropriate recommendations, through the Economic and Social Council, to the Assembly at its fifty-second session,

I

General

1. Expresses its profound concern and unequivocal condemnation of all forms of racism and racial discrimination, including racist and related acts of random and indiscriminate violence;

2. Declares that racism and racial discrimination are amongst the most serious violations of human rights in the contemporary world and must be combated by all available means;

3. Underlines the importance of effective action to create conditions that foster greater harmony and tolerance within societies;

4. Expresses its deep concern at and condemnation of manifestations of racism, racial discrimination, xenophobia and related intolerance against migrant workers and members of their families and other vulnerable groups in many societies;

5. Categorically condemns any role played by some print, audio-visual or electronic media in inciting acts of violence motivated by racial hatred;

6. Supports the efforts of Governments in taking measures aimed at the eradication of all forms of racism, racial discrimination, xenophobia and related intolerance and, in this regard, welcomes the designation by the European Union of 1997 as European Year against Racism;

7. Calls upon all States to enact and enforce legislation to prevent and sanction acts of racism and racial discrimination, and notes in this regard the conclusions and recommendations of the Special Rapporteur, as well as those on integration policies;

8. Welcomes the active role played by non-governmental organizations in combating racism and assisting individual victims of racist acts;

9. Invites all Governments to take measures, where possible, to provide assistance and rehabilitation to victims of acts of racism, racial discrimination, xenophobia and related intolerance;

10. Takes note with interest of general recommendation XV (42) of 17 March 1993 of the Committee on the Elimination of Racial Discrimination on article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, in which the Committee concluded that the prohibition of the dissemination of all ideas based on racial superiority or racial hatred was compatible with the right to freedom of opinion and expression as embodied in article 19 of the Universal Declaration of Human Rights, and recalled in article 5 of the Convention;

II

Implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination and coordination of activities

11. Takes note of the report of the Secretary-General on the implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination (E/CN.4/1997/68);

12. Regrets the lack of interest, support and financial resources for the Third Decade and the Programme of Action, which is reflected in the fact that the High Commissioner/Centre for Human Rights has been able to organize only one seminar since the adoption of the Programme of Action by the General Assembly in 1993, and notes that, unless a supplementary financial effort is made, very few of the activities planned for the period 1994-1997 will be carried out;

13. Recognizes the laudable and generous efforts by donors that have made contributions to the Trust Fund for the Programme for the Decade to Combat Racism and Racial Discrimination, but feels that these financial contributions have proved inadequate and that the General Assembly should consider all ways and means of financing the Programme of Action, including through the United Nations regular budget;

14. Requests the Secretary-General to submit to the General Assembly at its fifty-second session a detailed report on the financial and personnel resources required for the implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination and invites the General Assembly to consider the possibility of providing the resources required for the implementation of the Programme of Action for the Third Decade;

15. Warmly calls upon all Governments, United Nations bodies, the specialized agencies and intergovernmental organizations, as well as interested non-governmental organizations, to participate fully in the Third Decade to Combat Racism and Racial Discrimination;

16. Requests the United Nations High Commissioner for Human Rights to take duly into account, within the framework of the restructuring of the Centre for Human Rights, the repeated appeals of the General Assembly and the Economic and Social Council for the establishment of a mechanism within the Centre as a focal point for coordinating all the activities of the Third Decade before they are carried out by the United Nations;

17. Reaffirms the General Assembly's recommendation that a seminar be organized by the High Commissioner/Centre for Human Rights, in cooperation with the Committee on the Elimination of Racial Discrimination, the United Nations Educational, Scientific and Cultural Organization, the International Telecommunication Union and other relevant bodies of the United Nations, non-governmental organizations and Internet service providers,

with a view to assessing the role of the Internet in the light of the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination;

18. Welcomes the publication by the United Nations Educational, Scientific and Cultural Organization of various teaching materials aimed at promoting teaching, training and educational activities in the field of human rights and against racism and racial discrimination;

19. Recommends that States give priority to education as a principal means of preventing and eradicating racism and racial discrimination and of creating awareness of the principles of human rights, particularly among young people, and to the training of law enforcement personnel, *inter alia* through the promotion of tolerance and respect for cultural diversity;

20. Encourages the mass media to promote ideas of tolerance and understanding among peoples and between different cultures;

III

Follow-up activities

21. Welcomes the convening from 9 to 13 September 1996 in Geneva of an evaluation seminar on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, with particular reference to articles 4 and 6 of the Convention, and takes note of its conclusions and recommendations (E/CN.4/1997/68/Add.1, paras. 121-123);

22. Also welcomes the publication by the High Commissioner/Centre for Human Rights of *Model Legislation for the Guidance of Governments in the Enactment of Further Legislation against Racial Discrimination* (HR/PUB/96/2), and invites Governments to take account of it in promulgating new laws against racial discrimination;

23. Invites States to ensure that the competence of their institutions which deal with the promotion and protection of human rights encompasses issues linked to the struggle against racism and racial discrimination, and to promote cooperation, understanding and the exchange of experiences among them;

24. Recommends that activities being organized to celebrate the fiftieth anniversary of the Universal Declaration of Human Rights include programmes specifically targeted at combating racism and racial discrimination;

IV

Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and follow-up to his visits

25. Takes note of the reports of the Special Rapporteur, including their addenda (E/CN.4/1996/72 and Add.1-4 and E/CN.4/1997/71 and Corr.1 and Add.1 and 2);

26. *Expresses its full support and appreciation* for the work of the Special Rapporteur and for its continuation;

27. *Requests* the Special Rapporteur to continue his exchange of views with Member States and the relevant mechanisms and treaty bodies within the United Nations system in order to enhance further their effectiveness and mutual cooperation;

28. *Calls upon* all Governments, intergovernmental organizations and other relevant organizations of the United Nations system, as well as non-governmental organizations, to supply information to the Special Rapporteur;

29. *Urges* all Governments to cooperate fully with the Special Rapporteur with a view to enabling him to fulfil his mandate;

30. *Requests* the Special Rapporteur to make the fullest use of all appropriate sources of information, including country visits and evaluation of the mass media, and to elicit responses from Governments with regard to allegations;

31. *Commends* those States that have so far invited and received the Special Rapporteur;

32. *Invites* the Governments of the States so far visited to consider ways to implement the recommendations contained in the reports of the Special Rapporteur and requests the Special Rapporteur to include in his report to the Commission at its fifty-fourth session, under the same agenda item, information on the measures taken to implement these recommendations, and to undertake follow-up visits, if necessary;

33. *Invites* the Governments of the concerned States parties to the International Convention on the Elimination of All Forms of Racial Discrimination to consider including in their periodic reports to the Committee on the Elimination of Racial Discrimination information on measures they have taken to implement the relevant recommendations of the Special Rapporteur;

34. *Urges* the High Commissioner for Human Rights to provide those countries which were visited by the Special Rapporteur, at their request, with advisory services and technical assistance to enable them to implement fully the recommendations of the Special Rapporteur;

35. *Regrets* that the Special Rapporteur continues to encounter difficulties in his effort to fulfil his mandate, owing to the lack of necessary resources;

36. *Requests* the Secretary-General to provide the Special Rapporteur, without further delay, with all the necessary assistance and resources to carry out his mandate and enable him to submit an interim report to the General Assembly at its fifty-second session and a comprehensive report to the Commission at its fifty-fourth session, under the same agenda item;

37. Requests the Special Rapporteur to include in his report to the Commission at its fifty-fourth session, under the same agenda item, a comprehensive analysis of the implementation of this section of the present resolution;

V

International Convention on the Elimination of All Forms of Racial Discrimination

38. Appeals to those States that have not yet done so to consider ratifying and acceding to the relevant international instruments, particularly the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Discrimination in Education, and calls upon the States that have done so to implement them;

39. Encourages States to limit the extent of any reservations they lodge to the International Convention on the Elimination of All Forms of Racial Discrimination and to formulate any reservation as precisely and as narrowly as possible, while ensuring that no reservation is incompatible with the object and purpose of the Convention or otherwise contrary to international law;

40. Calls upon States parties to the Convention to adopt immediately positive measures aimed at the elimination of all forms of racial discrimination;

41. Requests the States parties to the Convention that have not yet done so to consider the possibility of making the declaration provided for in article 14 of the Convention;

VI

World Conference against Racism and Racial Discrimination, Xenophobia and related Intolerance

42. Decides to recommend to the General Assembly, through the Economic and Social Council, the convening of a world conference on racism and racial discrimination, xenophobia and related intolerance, whose main objectives will be:

(a) To review progress made in the fight against racism, racial discrimination, xenophobia and related intolerance, particularly since the adoption of the Universal Declaration of Human Rights, and to reappraise the obstacles to further progress in the field and ways to overcome them;

(b) To consider ways and means better to ensure the application of existing standards and the implementation of the existing instruments to combat racism, racial discrimination, xenophobia and related intolerance;

(c) To increase the level of awareness about the scourge of racism, racial discrimination, xenophobia and related intolerance;

(d) To formulate concrete recommendations on ways to increase the effectiveness of the activities and mechanisms of the United Nations through programmes aimed at combating racism, racial discrimination, xenophobia and related intolerance;

(e) To review the political, historical, economic, social, cultural and any other factors leading to racism, racial discrimination, xenophobia and related intolerance;

(f) To formulate concrete recommendations for further action-oriented national, regional and international measures to combat all forms of racism, racial discrimination, xenophobia and related intolerance;

(g) To draw up concrete recommendations for ensuring that the United Nations has the financial and other necessary resources for its action to combat racism, racial discrimination, xenophobia and related intolerance;

43. Recommends to the General Assembly, through the Economic and Social Council, that the world conference on racism and racial discrimination, xenophobia and related intolerance be convened not later than the year 2001;

44. Also recommends to the General Assembly, through the Economic and Social Council, that when deciding on the agenda of the world conference on racism and racial discrimination, xenophobia and related intolerance it take into consideration, inter alia, the need to address in a comprehensive manner all forms of racism, racial discrimination, xenophobia and related contemporary forms of intolerance;

45. Stresses the importance of taking into account a gender perspective systematically throughout the preparation of the outcome of the Conference;

46. Recommends to the General Assembly, through the Economic and Social Council, that the world conference on racism and racial discrimination, xenophobia and related intolerance be action-oriented and focus on practical measures to eradicate racism, including through measures of prevention, education and protection and the provision of effective remedies, taking into full consideration the existing human rights instruments;

47. Also recommends to the General Assembly, through the Economic and Social Council:

(a) That it decide that the Commission on Human Rights should act as the preparatory committee for the world conference on racism and racial discrimination, xenophobia and related intolerance and that its deliberations should be open-ended, allowing for the full participation of all States Members of the United Nations, members of specialized agencies and observers, in accordance with established practice;

(b) That it request Governments, the specialized agencies, other international organizations, concerned United Nations bodies, regional organizations, non-governmental organizations concerned with human rights, the Committee on the Elimination of Racial Discrimination, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and other human rights mechanisms to assist the preparatory committee and to undertake reviews and submit recommendations concerning the conference and the preparations therefor to the preparatory committee through the Secretary-General and to participate actively in the conference;

48. Further recommends to the General Assembly, through the Economic and Social Council:

(a) That it call upon States and regional organizations to hold national or regional meetings or to take other initiatives in preparation for the world conference on racism and racial discrimination, xenophobia and related intolerance;

(b) That it request regional preparatory meetings to submit reports to the preparatory committee, through the Secretary-General, on the outcome of their deliberations, including practical and action-oriented recommendations to combat racism, racial discrimination, xenophobia and other related forms of intolerance;

49. Recommends that the world conference on racism and racial discrimination, xenophobia and related intolerance be conducted effectively and efficiently and that its size, duration and other cost factors be determined with due regard for economy;

50. Decides to change the title of its agenda item "Implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination" to "Racism, racial discrimination, xenophobia and related intolerance" and to consider it at its fifty-fourth session;

51. Requests the Secretary-General to submit a report to the Commission at its fifty-fourth session on the implementation of the present resolution under the agenda item entitled "Racism, racial discrimination, xenophobia and related intolerance".

68th meeting
18 April 1997
[Adopted without a vote. See chap. XIII.]

1997/75. Human rights and mass exoduses

The Commission on Human Rights,

Deeply disturbed by the scale and magnitude of exoduses and displacements of population in many regions of the world and by the extensive human suffering of refugees and displaced persons,

Recalling its previous relevant resolutions, in particular resolution 1996/51 of 19 April 1996, as well as those of the General Assembly, and the conclusions of the World Conference on Human Rights, which recognized that gross violations of human rights, including in armed conflicts, are among the multiple and complex factors leading to displacement of people, Noting with satisfaction the participation of the United Nations High Commissioner for Human Rights in the framework for coordination activities and projects organized by the United Nations system aimed at evolving a comprehensive approach to address root causes and effects of movements of refugees and other displaced persons and the strengthening of emergency preparedness and responsible mechanisms,

Conscious of the fact that mass exoduses of populations are caused by multiple and complex factors, which may include human rights violations, political, ethnic and economic conflicts, famine, insecurity, violence, poverty and environmental degradation, which indicate that comprehensive approaches, particularly early warning, require an intersectoral and multidisciplinary approach to enable a coherent response, particularly at the international and regional levels,

Noting that the Secretary-General, in his report entitled "An Agenda for Peace" (A/47/277-S/24111), identifies the protection of human rights and the promotion of economic well-being as important elements of peace, security and development,

Recognizing the complementarity between the system for the protection of human rights and humanitarian action, and that the work of humanitarian agencies makes an important contribution to the achievement of human rights,

Welcoming the continuation of inter-agency consultations on early warning of mass flows of refugees, pursuant to the decision of the Administrative Committee on Coordination, with the purpose of serving both prevention of and preparedness for humanitarian emergencies,

Welcoming also the participation of the High Commissioner for Human Rights and the representative of the Secretary-General on internally displaced persons in the deliberations of the Inter-Agency Standing Committee established by the General Assembly in resolution 46/182 of 19 December 1991,

Welcoming further the cooperation between the United Nations High Commissioner for Human Rights, the Office of the United Nations High Commissioner for Refugees, the United Nations Development Programme and other relevant United Nations entities, with a view to ensuring coordination of activities within their mandates and expertise in the areas of returnee monitoring and promotion, technical advice, institution-building and rehabilitation activities,

Recognizing that the human rights machinery of the United Nations, including the mechanisms of the Commission on Human Rights and the human rights treaty bodies, has important capabilities to address human rights violations which cause movements of refugees and displaced persons or prevent durable solutions to their plight,

Convinced that the activities of these mechanisms, with a view, inter alia, to preventing mass exoduses and to strengthening emergency preparedness and response mechanisms of the United Nations system as a whole, should be encouraged and further developed and coordinated at both the international and regional levels, with priority given to the systematization of the early-warning information collection,

Recognizing that women and children constitute the majority of most refugee populations and that, in addition to the problems they share in common with all refugees, women and girls in such circumstances are vulnerable to gender-based discrimination and gender-specific violations of human rights,

Recalling that States parties to the 1951 Convention relating to the Status of Refugees undertake, under article 35, to provide information to the Office of the United Nations High Commissioner for Refugees on the implementation of the Convention, as was recalled in the General Conclusions on international protection adopted by the Executive Committee of the Programme of the United Nations High Commissioner for Refugees in 1995 (No. 77 (XLVI)) and 1996 (No. 79 (XLVII)),

Distressed at the widespread violation of the principle of non-refoulement and of the rights of refugees, in some cases resulting in loss of refugee lives, and at reports indicating that large numbers of refugees and asylum-seekers have been refouled and expelled in highly dangerous situations, and recalling that the principle of non-refoulement is not subject to derogation,

Recalling all relevant human rights standards, including the Universal Declaration of Human Rights, the principles of international protection for refugees and the General Conclusions of the Executive Committee of the Programme of the High Commissioner for Refugees on international protection, and that asylum applicants should have access to fair and expeditious status-determination procedures,

Welcoming the continuing efforts of the United Nations High Commissioner for Refugees in meeting the protection and assistance needs of refugees worldwide and in working to make it possible for refugees to exercise their fundamental right to return to and to stay in their own countries in safety and dignity,

1. Takes note with interest of the report of the Secretary-General on human rights and mass exoduses (E/CN.4/1996/42) and the update to this report by the United Nations High Commissioner for Human Rights (E/CN.4/1997/42), which are important contributions to efforts to develop a comprehensive approach to the question of human rights and mass exoduses;

2. Welcomes the endorsement by the General Assembly, in its resolution 41/70 of 3 December 1986, of the call upon all States to promote human rights and fundamental freedoms and to refrain from denying them to individuals in their population because of nationality, ethnicity, race, religion or language, and urges States to refrain from denying them because of gender;

3. *Strongly deplores* ethnic and other forms of intolerance as one of the major causes of forced migratory movements, and urges States to take all necessary steps to ensure respect for human rights, especially the rights of persons belonging to minorities;

4. *Takes note* of resolution 1996/9 of 23 August 1996 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, entitled "The right to freedom of movement";

5. *Invites* again all Governments and regional, intergovernmental and humanitarian organizations concerned to intensify their cooperation and assistance in worldwide efforts to address the serious problems resulting from mass exoduses of refugees and displaced persons, and the causes of such exoduses;

6. *Emphasizes* the responsibility of all States and international organizations to cooperate with those countries affected by mass exoduses of refugees and displaced persons;

7. *Urges* all bodies involved in inter-agency consultations on early warning to cooperate fully in and to increase the necessary commitment and resources to the successful operation of the consultations;

8. *Invites* the special rapporteurs, special representatives and working groups of the Commission and the United Nations human rights treaty bodies, acting within their mandates, to seek information, where appropriate, on problems resulting in mass exoduses of populations or impeding their voluntary return home and, where appropriate, to include such information, together with recommendations thereon, in their reports, and to bring such information to the attention of the High Commissioner for Human Rights for appropriate action in fulfilment of his mandate, in consultation with the United Nations High Commissioner for Refugees;

9. *Requests* all United Nations bodies, including the United Nations human rights treaty bodies, acting within their mandates, the specialized agencies, and governmental, intergovernmental and non-governmental organizations, to cooperate fully with all mechanisms of the Commission and, in particular, to provide them with all relevant information in their possession on the human rights situations creating or affecting refugees and displaced persons;

10. *Requests* the High Commissioner for Human Rights, in the exercise of his mandate, as set out in General Assembly resolution 48/141 of 20 December 1993, for preventing the continuation of human rights violations throughout the world and for coordinating human rights activities throughout the United Nations system, and in cooperation with the United Nations High Commissioner for Refugees, to pay particular attention to situations which cause or threaten to cause mass exoduses and to contribute to efforts to address such situations effectively through protection measures, as well as emergency preparedness and response mechanisms, including information sharing and the provision of technical advice, expertise and cooperation in countries of origin as well as host countries;

11. *Welcomes* the efforts of the High Commissioner for Human Rights to contribute to the creation of an environment viable for return in post-conflict societies through initiatives such as the rehabilitation of the justice system, the creation of national institutions capable of defending human rights, and broad-based programmes of human rights education, as well as strengthening of local non-governmental organizations through programmes of advisory services and technical cooperation;

12. *Welcomes* the establishment by the Department of Humanitarian Affairs of the Humanitarian Early Warning System, and calls upon the High Commissioner for Human Rights to continue his cooperation with the Department in this regard;

13. *Urges* the Secretary-General to give high priority and to allocate the necessary resources to the consolidation and strengthening of the system for undertaking early-warning activities for the purpose of ensuring, *inter alia*, that effective action is taken to identify all human rights abuses which contribute to mass outflows of persons, and to invite comments on this issue;

14. *Welcomes with appreciation* the contributions of the United Nations High Commissioner for Refugees to the deliberations at the fifty-third session of the Commission on Human Rights and to other international human rights bodies and mechanisms, and invites her to address the Commission at its fifty-fourth session;

15. *Encourages* States that have not already done so to consider accession to the 1951 Convention relating to the Status of Refugees and its Protocol of 1967, the 1954 Convention relating to the Status of Stateless Persons, the 1961 Convention on the Reduction of Statelessness, relevant regional refugee instruments and other relevant international human rights instruments;

16. *Encourages* States parties to the 1951 Convention relating to the Status of Refugees to provide information to the Office of the United Nations High Commissioner for Refugees, in accordance with article 35 of the Convention;

17. *Calls upon* States to ensure effective protection of refugees through, *inter alia*, respecting the principle of non-refoulement;

18. *Requests* the United Nations High Commissioner for Human Rights to invite Governments, intergovernmental organizations, specialized agencies and non-governmental organizations to provide information and to prepare, within existing resources, and submit to the Commission at its fifty-fourth session an update of his report, including information on and recommendations and conclusions emerging from the action taken pursuant to the present resolution, with particular attention to defining appropriate early-warning capacities and ensuing implementation procedures and activities necessary to respond promptly and effectively;

19. *Decides* to continue its consideration of the question at its fifty-fourth session under the agenda item entitled "Further promotion and

encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission", under the sub-item entitled "Human rights, mass exoduses and displaced persons".

69th meeting
18 April 1997
[Adopted without a vote. See chap. IX.]

1997/76. Strengthening of the Office of the High Commissioner/Centre for Human Rights

The Commission on Human Rights,

Recalling all relevant resolutions of the General Assembly, the Economic and Social Council and the Commission on Human Rights, in particular Commission resolution 1996/82 of 24 April 1996 and Assembly resolution 51/90 of 12 December 1996, as well as the Vienna Declaration and Programme of Action (A/CONF.157/23),

Reaffirming that the promotion and protection of all human rights and fundamental freedoms is a priority objective of the United Nations, and emphasizing the importance that the international community attaches to the activities and programmes of the Office of the High Commissioner/Centre for Human Rights,

Bearing in mind that Article 100 of the Charter of the United Nations states:

> "1. In the performance of their duties the Secretary-General and the staff shall not seek or receive instructions from any Government or from any other authority external to the Organization. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organization.
>
> "2. Each Member of the United Nations undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities.",

Bearing also in mind that paragraph 3 of Article 101 of the Charter of the United Nations states: "The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.",

1. Welcomes:

(a) And encourages the efforts of the Secretary-General to enhance the role and improve further the functioning of the Centre for Human Rights, as an integral part of the Secretariat of the United Nations, under the overall supervision of the United Nations High Commissioner for Human Rights;

(b) The efforts by the Secretary-General and the High Commissioner for Human Rights to strengthen human rights activities as well as the information provided by the High Commissioner with regard to the restructuring of the Centre for Human Rights with the aim of increasing the efficiency and effectiveness of the Centre and ensuring that all its mandates can be implemented;

(c) The decision of the Secretary-General to extend a standing invitation to the High Commissioner to the Inter-Agency Standing Committee;

2. Reaffirms the importance of ensuring universality, objectivity and non-selectivity in the consideration of human rights issues, and requests the High Commissioner to continue to ensure that the fulfilment of his mandate and that of the Centre for Human Rights is guided by these principles;

3. Emphasizes:

(a) That the High Commissioner - in pursuance of the task of strengthening, rationalizing and streamlining his Office and the Centre for Human Rights - should continue to align the procedures within the Office of the High Commissioner/Centre for Human Rights with the applicable overall United Nations rules;

(b) That all appointments and recruitments to the Office of the High Commissioner/Centre for Human Rights, including regularization of short-term staff and also including any recruitment made possible by voluntary contributions, should be in accordance with established procedures, inter alia through early dissemination of information on vacancies, on the basis of the principles contained in paragraph 3 of Article 101 of the Charter of the United Nations, and in this regard calls upon the Secretary-General to continue to ensure the application of these principles in the recruitment of personnel in the Office of the High Commissioner/Centre for Human Rights at all levels;

(c) The importance of providing qualified regular staff to the Office of the High Commissioner/Centre for Human Rights, adequate to its needs and effective functioning, as well as the need for appropriate utilization of Junior Professional Officers, in a manner consistent with the division of responsibilities within the Office of the High Commissioner/Centre for Human Rights, and of assigning tasks to Junior Professional Officers that are in line with their status and with Article 100 of the Charter of the United Nations;

4. Notes with concern that earlier requests to increase substantially the resources for the human rights programme have not led to an increase commensurate with the needs of the High Commissioner/Centre for Human Rights and therefore reiterates these requests for an increase of resources from within the existing regular budget of the United Nations;

5. Decides:

(a) To encourage the High Commissioner, within his mandate as set out in General Assembly resolution 48/141 of 20 December 1993, to continue to play an active role in promoting and protecting all human rights, including in the prevention of human rights violations throughout the world, and, in this context, reiterates the need to provide all necessary financial, material and personnel resources to the Office of the High Commissioner/Centre for Human Rights to enable it to carry out all mandates efficiently, effectively and expeditiously in line with the human rights programme as adopted by the General Assembly;

(b) To reiterate its request to the Secretary-General to provide the human rights programme with all the necessary human, financial and material resources from future regular budgets of the United Nations, and in particular to take this into account in the budget for the 1998-1999 biennium;

(c) To request the Secretary-General to continue to do his utmost to increase cooperation and coordination on human rights issues among the various other departments, offices and agencies of the United Nations as well as to ensure the participation of the High Commissioner/Centre for Human Rights in all mechanisms related to the follow-up to major United Nations conferences;

(d) To invite the High Commissioner for Human Rights to make available to all States, on a regular basis, information on voluntary contributions and their allocation, and to invite all States to all briefing meetings and appeals, including those with States contributing extrabudgetary funds;

(e) To request the High Commissioner to make available on an annual basis a report on the staff of the Office of the High Commissioner/Centre for Human Rights reflecting, *inter alia*, grade, nationality and gender, including with regard to non-regular staff;

(f) To request the High Commissioner to submit to the Commission at its fifty-fourth session a report on the implementation of the present resolution and to include in that report, *inter alia*, information on:

(i) Voluntary contributions, including their share in the overall budget of the human rights programme and their allocation;

(ii) An assessment of the effectiveness of ongoing field operations;

(g) To consider the question of strengthening the Office of the High Commissioner/Centre for Human Rights at its fifty-fourth session, including measures taken in furtherance of the present resolution.

69th meeting
18 April 1997
[Adopted without a vote. See chap. IX.]

1997/77. Situation of human rights in Burundi

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reaffirming its commitment with regard to respect for the principles of the rule of law, which involves democracy, national unity, pluralism and respect for human rights and fundamental freedoms,

Reaffirming also that all States have the duty to promote and protect human rights and to fulfil their obligations under the various instruments to which they are parties,

Recalling its resolution 1996/1 of 27 March 1996,

Recalling also Security Council resolution 1072 (1996) of 30 August 1996,

Aware of the fact that Burundi is a party to the 1951 Convention relating to the Status of Refugees, to the 1967 Protocol relating to the Status of Refugees, to the Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa, to the International Covenant on Civil and Political Rights and to the International Covenant on Economic, Social and Cultural Rights,

Noting with grave concern that serious violations of human rights and fundamental freedoms take place in Burundi,

Concerned about the coup d'état which took place on 25 July 1996 in Burundi,

Emphasizing that the primary responsibility for peace lies with the people of Burundi,

Recognizing that effective action to prevent further violations of human rights and fundamental freedoms is indispensable in promoting the stabilization and reconstruction of Burundi and the lasting restoration of the constitutional order,

Acknowledging the efforts made by the United Nations, the Organization of African Unity and the European Union aimed at contributing to a peaceful settlement of the Burundian crisis,

Taking into account the regional summits, including those held in Arusha, Nairobi and Brazzaville, on the situation in the Great Lakes region, and in Burundi in particular,

Considering the decisions, conclusions and recommendations adopted by the Council of Ministers of the Organization of African Unity held in Tripoli, *Recognizing* the important role of women in the reconciliation process and the search for peace, and urging the Government of Burundi to ensure the equal participation of women in Burundian society and to improve their living conditions,

1. *Takes note* of the interim report of the Special Rapporteur on the situation of human rights in Burundi (A/51/459, annex) and his second report (E/CN.4/1997/12 and Corr.1), as well as the addendum of 7 March 1997 (E/CN.4/1997/12/Add.1);

2. *Supports* the efforts made by the United Nations, the Organization of African Unity and the European Union mediators in the search for a lasting solution to the problems of the Great Lakes region;

3. *Encourages* the Organization of African Unity in its efforts, particularly through its Mechanism for Conflict Prevention, Management and Resolution, to remain engaged in preventing the further deterioration of the situation;

4. *Encourages* the countries which imposed sanctions on Burundi to continue to evaluate the effects of the sanctions on the situation in Burundi;

5. *Strongly condemns* the massacres of civilians, summary, arbitrary and extrajudicial executions, enforced disappearances, arbitrary arrests and detention, violence and restrictions on movement committed by all parties, and urges them to end such actions immediately;

6. *Urges* all parties to the conflict to end the cycle of violence and killing, notably the indiscriminate violence against refugees, women, children and the elderly;

7. *Expresses deep concern* at the involuntary resettlement of rural populations in regroupment camps and at the violations of human rights which occurred in that process, and calls upon the Government of Burundi to dismantle these camps and allow the displaced to return to their home villages, monitored by the Human Rights Field Operation in Burundi;

8. *Regrets* that the changes which occurred on 25 July 1996 were unconstitutional, and calls upon the Government of Burundi, together with all components of Burundian society, to work actively for the restoration of the rule of law and constitutional order to safeguard democracy and peace for the Burundian population;

9. *Strongly condemns* the murder of three workers from the delegation of the International Committee of the Red Cross which took place at Mugina in Cibitoke province on 4 June 1996, and urges the Government of Burundi to publish the results of the investigations carried out in this connection and to bring the culprits to justice;

10. *Emphasizes* that the Government of Burundi is responsible for ensuring the safety of its population as well as that of personnel of international humanitarian organizations, refugees, returnees and displaced persons;

11. Urges the Government of Burundi and, in particular, the armed forces of Burundi, as well as the other parties involved in the hostilities, to respect scrupulously the principles and rules of international humanitarian law and to facilitate the activities of the International Committee of the Red Cross so that it may carry out its mandate;

12. Calls upon the Government of Burundi to make further efforts to ensure that established legal safeguards for human rights and international human rights standards are fully respected;

13. Notes the functioning of the Criminal Appeal Court and requests the Government of Burundi to do everything possible to eradicate impunity entirely;

14. Calls for the prosecution and punishment of those who are responsible for human rights violations and violations of international humanitarian law;

15. Expresses its abhorrence for the radio stations which broadcast messages advocating racial or ethnic hatred and violence as well as local newspapers pursuing the same objectives;

16. Supports all efforts to promote conditions for institutional reform and national reconciliation, in particular through dialogue among Burundians, including armed factions, in order to end the hostilities and reach a lasting political settlement and to promote a climate of reconciliation;

17. Calls upon the international community to continue to provide humanitarian assistance needed by displaced persons and returnees in Burundi;

18. Appeals to the Government of Burundi to continue to ensure the safety and security of United Nations staff and humanitarian personnel and individuals serving in Burundi;

19. Calls upon the Government of Burundi to continue to cooperate with the United Nations Human Rights Field Operation in Burundi and to provide it with access throughout the country;

20. Calls for the full deployment, in secure conditions, of the agreed 35 observers to the Human Rights Field Operation in Burundi;

21. Makes a strong appeal to the international community to commit itself resolutely to contributing to reconciliation and confidence-building in the Great Lakes region;

22. Welcomes the international efforts to reach a durable solution to the conflict in Burundi and calls upon all parties to work constructively with the international mediators;

23. Requests States not to allow their territories to be used as bases for incursions or attacks against another State, in violation of the principles of international law, including the Charter of the United Nations;

24. Condemns the illegal sale and distribution of weapons and related materials which disturb peace and security in the region;

25. Urges States and international, governmental and non-governmental organizations to cooperate with initiatives aimed at the reconstruction of Burundi, and invites international financial support for such initiatives;

26. Welcomes with satisfaction the implementation of a programme of technical assistance, and invites the High Commissioner/Centre for Human Rights to provide ongoing assistance, particularly in the field of justice and the training of members of the armed forces and the police, and to promote human rights;

27. Decides to extend the mandate of the Special Rapporteur for an additional year and requests him to submit an interim report on the situation of human rights in Burundi to the General Assembly at its fifty-second session and a report to the Commission on Human Rights at its fifty-fourth session, and also requests the Special Rapporteur to apply a gender perspective in his work.

70th meeting
18 April 1997
[Adopted without a vote. See chap. X.]

1997/78. Rights of the child

The Commission on Human Rights,

Recalling its resolution 1996/85 of 24 April 1996 and General Assembly resolutions 51/76 and 51/77 of 12 December 1996 and the Declaration and Plan of Action adopted by the World Summit for Children in 1990 (A/45/625, annex), and reaffirming the Vienna Declaration and Programme of Action (A/CONF.157/23), which states that national and international mechanisms and programmes for the defence and protection of children, in particular those in especially difficult circumstances, should be strengthened, including through effective measures to combat exploitation and abuse of children such as female infanticide, harmful child labour, sale of children and their organs, child prostitution and child pornography as well as other forms of sexual abuse, and which reaffirms that all human rights and fundamental freedoms are universal and thus unreservedly include persons with disabilities,

Taking note of the work carried out by:

(a) The Committee on the Rights of the Child;

(b) The United Nations Children's Fund;

(c) The Special Rapporteur of the Commission on Human Rights on the sale of children, child prostitution and child pornography;

(d) The expert appointed by the Secretary-General to undertake a study on the impact of armed conflict on children;

(e) The working groups on draft optional protocols to the Convention on the Rights of the Child, one relating to the involvement of children in armed conflict, and one relating to the sale of children, child prostitution and child pornography;

(f) Other relevant bodies and organizations of the United Nations system, regional organizations, intergovernmental and non-governmental organizations and institutions for the promotion and protection of the rights of the child, and encouraging the establishment of bodies and institutions, both governmental and non-governmental, to monitor, carry out or support activities in favour of children,

Profoundly concerned that the situation of children in many parts of the world remains critical as a result of poverty, inadequate social and economic conditions, natural disasters, armed conflicts, displacement, economic and sexual exploitation, illiteracy, hunger, intolerance and disability, and inadequate legal protection, and convinced that urgent and effective national and international action is called for,

Recognizing that legislation alone is not enough to prevent violations of the rights of the child, that stronger political commitment is needed and that Governments should implement their laws and complement legislative measures with effective action, inter alia in the fields of law enforcement and in the administration of justice, and in social, educational and public health programmes,

Recommending that, within their mandates, all relevant human rights mechanisms and all other relevant organs and mechanisms of the United Nations system and the supervisory bodies of the specialized agencies pay attention to particular situations in which children are in danger and where their rights are violated and that they take into account the work of the Committee on the Rights of the Child,

Reaffirming that the best interests of the child should be a primary consideration in all actions concerning children,

I

Implementation of the Convention on the Rights of the Child

1. Welcomes:

(a) The nearly universal ratification of and accession by States to the Convention on the Rights of the Child, and urges those States that have not yet done so to sign and ratify or accede to the Convention as a matter of priority;

(b) The constructive role of the Committee on the Rights of the Child in creating awareness of the principles and provisions of the Convention and in providing recommendations to States parties on its implementation;

2. *Calls upon* States parties:

(a) To implement the Convention fully, to cooperate closely with the Committee on the Rights of the Child and to comply in a timely manner with their reporting obligations under the Convention, in accordance with the guidelines elaborated by the Committee;

(b) To withdraw reservations incompatible with the object and purpose of the Convention and to consider reviewing other reservations;

(c) To accept the amendment to paragraph 2 of article 43 of the Convention, which would increase the membership of the Committee on the Rights of the Child from 10 to 18 experts;

(d) And organs and bodies of the United Nations, within the scope of their respective mandates, as well as intergovernmental and non-governmental organizations, the media and the community at large, to make the principles and provisions of the Convention widely known to adults and children alike in accordance with article 42 and to encourage training on the rights of the child for those involved in activities concerning children, for example through the programme of advisory services and technical cooperation in the field of human rights;

3. *Decides*, with regard to the Committee on the Rights of the Child:

(a) To request the Secretary-General to ensure the provision of appropriate staff and facilities for the effective and expeditious performance of the functions of the Committee, while noting the Plan of Action of the United Nations High Commissioner for Human Rights to strengthen the implementation of the Convention on the Rights of the Child;

(b) To encourage the Committee, in monitoring the implementation of the Convention on the Rights of the Child, to continue to pay attention to the needs of children in especially difficult circumstances, including children with disabilities, and welcomes its decision to devote its next general discussion to the rights of children with disabilities;

II

The girl child

4. *Reaffirms* the fundamental principle set forth in the Vienna Declaration and Programme of Action and in the Beijing Declaration and Platform for Action (A/CONF.177/20, chap. I) that the human rights of women and girls are an inalienable, integral and indivisible part of universal human rights;

5. *Calls upon* all States:

(a) To take all necessary measures and to institute legal reforms to ensure the full and equal enjoyment by girls of all human rights and fundamental freedoms, and to take effective action against violations of those rights and freedoms;

(b) And international and non-governmental organizations, individually and collectively, to set goals and to develop and effectively implement gender-sensitive strategies to address the rights and needs of children, in accordance with the Convention on the Rights of the Child, and to take into account the rights and particular needs of girls, especially in education, health and nutrition, and to eliminate negative cultural attitudes and practices against girls;

(c) To eliminate all forms of discrimination against girls and the root causes of son preference, which result in harmful and unethical practices, inter alia by enacting and enforcing legislation protecting girls from violence, including female infanticide and prenatal sex selection, genital mutilation, incest, sexual abuse and exploitation, and by developing age-appropriate, safe and confidential programmes and medical, social and psychological support services to assist girls who are subjected to violence;

III

Prevention and eradication of the sale of children, and of their sexual exploitation and abuse, including child prostitution and child pornography

6. Welcomes:

(a) The report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/1997/95 and Add.1 and 2);

(b) The report of the working group on the question of a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography on its third session (E/CN.4/1997/97);

(c) The measures taken by Governments to implement the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography;

(d) The adoption and dissemination of the Declaration and Agenda for Action of the World Congress against Commercial Sexual Exploitation of Children, held in Stockholm from 27 to 31 August 1996 (see A/51/385);

7. Calls upon all States:

(a) To develop urgently, implement and enforce measures to eliminate the sale of children and their sexual exploitation, inter alia through child sex tourism and other forms of child prostitution and child pornography, including measures in line with the Vienna Declaration and Programme of Action and with those outlined in the Declaration and Agenda for Action of the World Congress against Commercial Sexual Exploitation of Children;

(b) To participate constructively in the negotiations on an optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography with the aim of an early agreement on the text;

(c) To criminalize effectively commercial and all other forms of sexual exploitation of children, while ensuring that child victims are not penalized for such practices, and to prosecute offenders, whether local or foreign, and to ensure that a person who exploits a child for sexual abuse in another country is prosecuted by competent national authorities, either in the offender's country of origin or in the destination country;

(d) To step up cooperation and concerted action by all relevant law enforcement authorities and institutions with a view to combating the existence of a market that encourages such criminal practices against children and dismantling national and international networks trafficking in children;

(e) And relevant United Nations bodies and agencies to allocate resources for comprehensive and gender-sensitive programmes to rehabilitate child victims of trafficking and all forms of sexual exploitation and abuse, and to promote their physical and psychological recovery and social reintegration;

(f) To work towards strengthening partnerships between Governments, international organizations and all sectors of civil society, particularly non-governmental organizations, in order to achieve these objectives, and welcomes the efforts already made in this respect;

(g) To cooperate with and assist the Special Rapporteur and to furnish all information requested, including by inviting her for country visits;

8. *Decides*, with regard to the Special Rapporteur on the sale of children, child prostitution and child pornography:

(a) To request the Secretary-General to provide the Special Rapporteur with all necessary assistance and to urge all relevant parts of the United Nations system to provide the Special Rapporteur with comprehensive reporting to make the full discharge of her mandate possible and to enable her to submit an interim report to the General Assembly at its fifty-second session and a report to the Commission on Human Rights at its fifty-fourth session;

(b) To invite the Special Rapporteur to continue to cooperate closely with other relevant United Nations organs and bodies and to convey her findings to the Commission;

9. *Decides*, with regard to the question of a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography:

(a) To request the Secretary-General to transmit the report of the working group on the question of a draft optional protocol to Governments, relevant specialized agencies, the Committee on the Rights of the Child, the relevant Special Rapporteur and intergovernmental and non-governmental organizations and to invite their comments in time for circulation prior to the next session of the working group, and invites the Committee on the Rights of the Child to consider being represented and the Special Rapporteur to consider being present at the next session of the working group;

(b) To request the working group on the question of a draft optional protocol on the sale of children, child prostitution and child pornography to meet for a period of two weeks, or less if possible, prior to the next session of the Commission, in order to finalize the draft optional protocol before the tenth anniversary of the Convention on the Rights of the Child;

IV

Protection of children affected by armed conflict

10. *Welcomes*:

(a) The final report of the expert appointed by the Secretary-General to undertake a study on the impact of armed conflict on children (A/51/306 and Add.1), takes note with appreciation of the recommendations included therein, and requests the Secretary-General to ensure its wide dissemination;

(b) The recommendation by the General Assembly to the Secretary-General to appoint a special representative on the impact of armed conflict on children and to ensure the necessary support to the prospective special representative;

(c) The report of the working group on a draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts on its third session (E/CN.4/1997/96);

11. *Calls upon* all States:

(a) To consider acceding to relevant international human rights and humanitarian law instruments, and urges them to implement those instruments to which they are parties;

(b) To participate constructively in the negotiations on an optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts with the aim of an early agreement on the text;

(c) In accordance with the norms of international humanitarian law, to integrate in their military programmes, including those for peace-keeping, instruction on responsibilities towards the civilian population, particularly women and children;

(d) And relevant United Nations bodies, including the United Nations Voluntary Trust Fund for Assistance in Mine Clearance, to contribute on an ongoing basis to international mine-clearance efforts and urges States to take further action to promote gender- and age-appropriate mine-awareness programmes and child-centred rehabilitation, thereby reducing the number and the plight of child victims, and welcomes international efforts aimed at restricting and prohibiting the indiscriminate use of anti-personnel mines;

12. *Calls upon* all States and other parties to armed conflict:

(a) To respect international humanitarian law and, in this regard, calls upon States parties to respect fully the provisions of the Geneva

Conventions of 12 August 1949 and the Additional Protocols thereto of 1977, while bearing in mind resolution 2 of the twenty-sixth International Conference of the Red Cross and Red Crescent, and to respect the provisions of the Convention on the Rights of the Child which accord children affected by armed conflict special protection and treatment;

(b) To end the use of children as soldiers and to ensure their demobilization as well as the reintegration into society of child soldiers, child victims in cases of armed conflict or foreign occupation, including victims of landmines and all other weapons, and victims of gender-based violence, _inter alia_ through adequate education and training, and invites the international community to assist in this endeavour;

(c) As well as United Nations agencies, to ensure access of humanitarian aid and assistance to children affected by armed conflict;

13. _Reaffirms_:

(a) That rape in the context of armed conflict constitutes a war crime and that under certain circumstances it constitutes a crime against humanity and an act of genocide, and calls upon all States to protect women and children from gender-based violence, including rape, sexual exploitation and forced pregnancy, and to strengthen mechanisms to investigate and prosecute perpetrators;

(b) That all humanitarian responses in conflict situations should emphasize the special reproductive health needs of women and girls, including those that arise from pregnancy as a result of rape, sexual mutilation, childbirth at an early age or infection with sexually transmitted diseases, as well as HIV/AIDS, and access to family planning services;

(c) The importance of preventive measures such as early-warning systems, preventive diplomacy and education for peace to prevent conflicts and their negative impact on the enjoyment of the rights of the child, and urges Governments and the international community to promote sustainable human development;

(d) The importance of special attention for children in situations of armed conflict, including in the areas of health and nutrition, education and social reintegration, and in developing emergency and other humanitarian assistance policies and programmes, and of enhanced coordination and cooperation throughout the United Nations system to this end;

(e) Its support for the recommendations of the General Assembly and the International Conference of the Red Cross and Red Crescent concerning the assessment and monitoring of the consequences of sanctions upon children, as well as those concerning humanitarian relief;

14. _Decides_, with regard to the draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts:

(a) To request the Secretary-General to transmit the report of the working group on the draft optional protocol to Governments, relevant United Nations bodies and specialized agencies, the Committee on the Rights of the Child, the prospective special representative on the impact of armed conflict on children, and intergovernmental and non-governmental organizations, and to invite their comments in time for circulation prior to the next session of the working group, and invites the International Committee of the Red Cross and the Committee on the Rights of the Child to consider being represented and the prospective special representative to consider being present at the next session of the working group;

(b) To request the working group on a draft optional protocol on the involvement of children in armed conflicts to meet for a period of two weeks, or less if possible, prior to the next session of the Commission, in order to finalize the draft optional protocol;

(c) To request the Secretary-General, in cooperation with States, international organizations and relevant non-governmental organizations to consider modalities for organizing regional training programmes for members of the armed forces relating to the protection of children and women during armed conflicts;

15. Decides, with regard to the prospective special representative of the Secretary-General on the impact of armed conflict on children, to invite Member States, United Nations organs and bodies, the International Committee of the Red Cross as well as other relevant intergovernmental and non-governmental organizations to contribute to the work of the special representative, including his/her annual report;

V

Refugee and internally displaced children

16. Calls upon all States:

(a) To protect refugee and internally displaced children, including through policies for their care, well-being and development, with the necessary international cooperation, in particular with the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund and the International Committee of the Red Cross;

(b) And United Nations bodies and agencies to ensure the early identification and registration of unaccompanied refugee and internally displaced children, to give priority to programmes for family tracing and reunification, and to continue monitoring the care arrangements for unaccompanied refugee and internally displaced children;

(c) And other parties to armed conflicts to recognize the particular vulnerability of refugee and internally displaced children to recruitment into armed forces and to sexual violence, exploitation and abuse, stresses the special vulnerability of child-headed households and calls upon Governments and United Nations bodies to give these situations urgent attention and to enhance protection and assistance mechanisms;

(d) To involve women and youth in the design, delivery and monitoring of measures to protect them against sexual violence and recruitment of children into armed forces;

VI

Elimination of exploitation of child labour

17. *Welcomes*:

(a) Recent studies and reports by the United Nations Children's Fund and the International Labour Organization on child labour;

(b) The measures taken by Governments to eliminate the exploitation of child labour, while recalling the Programme of Action for the Elimination of the Exploitation of Child Labour, and calls upon relevant United Nations agencies, in particular the United Nations Children's Fund and the International Labour Organization, to continue to support national efforts in this regard;

(c) The governmental initiatives to convene international conferences on various forms of child labour, such as the ones held in Amsterdam in February 1997 and in Arusha, United Republic of Tanzania, in March 1997 and the ones to be convened in Cartagena, Colombia, in May 1997 and in Oslo in October 1997;

(d) The efforts by the Committee on the Rights of the Child in the area of child labour, takes note of its recommendations and encourages the Committee as well as other relevant human rights treaty bodies, within their respective mandates, to continue to monitor this growing problem when examining reports of States parties;

18. *Calls upon* all States:

(a) That have not yet done so to consider ratifying the conventions of the International Labour Organization relating to the elimination of the exploitation of child labour, in particular those concerning the abolition of forced labour and the minimum age for employment, including for particularly hazardous work for children, and to implement those conventions, and urges them, as a matter of priority, to eliminate all extreme forms of child labour, such as forced labour, bonded labour and other forms of slavery;

(b) To take the necessary legislative, administrative, social and educational measures to provide for a minimum age or minimum ages for admission to employment, appropriate regulation of the hours and conditions of employment, and appropriate penalties or other sanctions to ensure their effective enforcement and to ensure the protection of children from economic exploitation, in particular protection from performing any work that is likely to be hazardous or to interfere with the child's education, or harmful to the child's health or development;

(c) In line with international commitments made at the World Summit for Social Development and other relevant United Nations conferences, to set specific target dates for eliminating all forms of child labour that are contrary to accepted international standards and for ensuring the full enforcement of relevant existing laws and, where appropriate, enacting legislation necessary to implement their obligations under the Convention on the Rights of the Child and International Labour Organization standards ensuring the protection of working children;

(d) To translate into concrete action their commitment to the progressive and effective elimination of all forms of exploitative child labour, starting with its most intolerable forms, and to implement, *inter alia*, national action plans, the resolution on the elimination of child labour adopted by the International Labour Conference at its eighty-third session in 1996 and other relevant resolutions on the subject adopted by the General Assembly and the Commission on Human Rights;

(e) To support the proposed drafting by the International Labour Organization of an instrument aimed at eradicating the most intolerable forms of child labour;

(f) To recognize the right to education by making primary education compulsory and ensuring that all children have access to free primary education as a key strategy to prevent child labour;

(g) To systematically assess and examine, in close cooperation with international organizations such as the International Labour Organization and the United Nations Children's Fund, the magnitude, nature and causes of the exploitation of child labour, and to develop and implement strategies for combating these practices, including attention to specific dangers faced by girls;

(h) To strengthen international cooperation, *inter alia* through the United Nations programme of advisory services in the field of human rights, the International Programme on the Elimination of Child Labour of the International Labour Organization and activities of the United Nations Children's Fund, as a means of assisting Governments in preventing or combating violations of the rights of the child, including the exploitation of child labour;

19. *Decides* to request the Secretary-General, when reporting on the implementation of General Assembly resolution 51/77, to cooperate closely with relevant actors and United Nations specialized agencies, in particular the International Labour Organization and the United Nations Children's Fund, in order to provide information on initiatives aimed at eliminating the exploitation of child labour and to recommend ways and means to improve cooperation at the national and international levels in this field;

VII

The plight of street children

20. *Calls upon*:

(a) All States, while expressing grave concern at the growing number of incidents worldwide and at reports of children working or living on the street being involved in and affected by serious crime, drug abuse, violence and prostitution, to continue actively to seek comprehensive solutions to the problems of children on the street, while emphasizing that strict compliance with obligations under relevant international human rights instruments, including the Convention on the Rights of the Child, constitutes a significant step towards solving the problems of street children;

(b) All States to ensure the reintegration of street children into society and to provide, *inter alia*, adequate nutrition, shelter, health care and education, taking into account that such children are particularly vulnerable to all forms of abuse, exploitation and neglect, and encourages States to take the situation of street children fully into account in preparing their reports to the Committee on the Rights of the Child;

(c) All States to guarantee respect for all human rights and fundamental freedoms, particularly the right to life, and to take urgent and effective measures to prevent the killing of street children and to combat torture and violence against them, and to ensure that legal and juridical processes respect children's rights in order to protect them against arbitrary deprivation of liberty, maltreatment or abuse;

(d) The international community to support, through effective international cooperation, the efforts of States to improve the situation of children in need of special protection measures, including in urban settlements in accordance with the Habitat Agenda adopted by the United Nations Conference on Human Settlements (Habitat II), held in Istanbul, Turkey, in June 1996;

VIII

21. *Decides*:

(a) To request the Secretary-General to follow up the recommendation by the General Assembly to appoint for a period of three years a special representative on the impact of armed conflict on children;

(b) Also to request the Secretary-General to submit to the Commission at its fifty-fourth session a report on the status of the Convention on the Rights of the Child;

(c) To continue its consideration of the question at its fifty-fourth session under the agenda item entitled "Rights of the child".

70th meeting
18 April 1997
[Adopted without a vote. See chap. XXI.]

B. Decisions

1997/101. Organization of work

At its 2nd meeting, on 11 March 1997, the Commission on Human Rights decided, without a vote, to invite the following persons to participate in its meetings:

(a) In connection with item 3: Mr. P. S. Pinheiro, Special Rapporteur on the situation of human rights in Burundi;

(b) In connection with item 4: Mr. H. Halinen, Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967;

(c) In connection with item 5: Ms. F.Z. Ksentini, Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes;

(d) In connection with item 6: Mr. K. Drzewicki, Chairman-Rapporteur of the Intergovernmental Group of Experts on the Right to Development;

(e) In connection with item 7: Mr. E. Bernales Ballesteros, Special Rapporteur on the question of the use of mercenaries;

(f) In connection with item 8: Mr. L. Joinet, Chairman-Rapporteur of the Working Group on Arbitrary Detention;

(g) In connection with item 8: Mr. A. Hussain, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression;

(h) In connection with item 8: Mr. P. Cumaraswamy, Special Rapporteur on the independence of judges and lawyers;

(i) In connection with item 8 (a): Mr. N.S. Rodley, Special Rapporteur on the question of torture;

(j) In connection with item 8 (c): Mr. I. Tosevski, Chairman-Rapporteur of the Working Group on Enforced or Involuntary Disappearances;

(k) In connection with item 8 (d): Mr. C. Vargas Pizarro, Chairman-Rapporteur of the working group on the draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(l) In connection with item 9 (a): Ms. R. Coomaraswamy, Special Rapporteur on violence against women, its causes and consequences;

(m) In connection with item 9 (d): Mr. F.M. Deng, representative of the Secretary-General on internally displaced persons;

(n) In connection with item 10: Mr. C.J. Groth, Special Rapporteur on the situation of human rights in Cuba;

(o) In connection with item 10: Mr. M. Copithorne, Special Representative of the Commission on the situation of human rights in the Islamic Republic of Iran;

(p) In connection with item 10: Mr. R. Garretón, Special Rapporteur on the situation of human rights in Zaire;

(q) In connection with item 10: Mr. A. Artucio, Special Rapporteur on the situation of human rights in Equatorial Guinea;

(r) In connection with item 10: Mr. R. Lallah, Special Rapporteur on the situation of human rights in Myanmar;

(s) In connection with item 10: Mr. B.W. N'diaye, Special Rapporteur on extrajudicial, summary or arbitrary executions;

(t) In connection with item 10: Mr. Choong-Hyun Paik, Special Rapporteur on the situation of human rights in Afghanistan;

(u) In connection with item 10: Mr. M. van der Stoel, Special Rapporteur on the situation of human rights in Iraq;

(v) In connection with item 10: Mr. G. Bíró, Special Rapporteur on the situation of human rights in the Sudan;

(w) In connection with item 10: Ms. E. Rehn, Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia;

(x) In connection with item 10: Mr. R. Degni-Ségui, Special Rapporteur on the situation of human rights in Rwanda;

(y) In connection with item 10: Mr. M. Nowak, expert member of the Working Group on Enforced or Involuntary Disappearances responsible for the special process on missing persons in the territory of the former Yugoslavia;

(z) In connection with item 10 (b): Mr. F. Yimer, Chairman of the Working Group on Communications of the Sub-Commission on Prevention of Discrimination and Protection of Minorities; representatives of States in respect of which situations were being considered under item 10 (b);

(aa) In connection with item 13: Mr. M. Glélé-Ahanhanzo, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance;

(bb) In connection with item 15: Mr. P. Alston, Chairperson of the Committee on Economic, Social and Cultural Rights;

(cc) In connection with item 15: Ms. I. Corti, Chairperson of the seventh meeting of persons chairing the human rights treaty bodies;

(dd) In connection with item 16: Mr. A. Eide, Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-eighth session;

(ee) In connection with item 18: Mr. T. Hammarberg, Special Representative of the Secretary-General on the situation of human rights in Cambodia;

(ff) In connection with item 18: Mr. A. Dieng, independent expert on the situation of human rights in Haiti;

(gg) In connection with item 18: Ms. M. Pinto, independent expert on the situation of human rights in Guatemala;

(hh) In connection with item 18: Ms. M. Rishmawi, independent expert on the situation of human rights in Somalia;

(ii) In connection with item 18: Ms. L.I. Takla, Chairperson of the Board of Trustees of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights;

(jj) In connection with item 19: Mr. A. Amor, Special Rapporteur on the question of religious intolerance;

(kk) In connection with item 20: Mr. J. Helgesen, Chairman-Rapporteur of the working group on the draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms;

(ll) In connection with item 21: Mr. N. Eliasson, Chairman-Rapporteur of the working group on a draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts;

(mm) In connection with item 21: Ms. G. Machel, expert appointed by the Secretary-General to study the impact of armed conflict on children;

(nn) In connection with item 21 (b): Ms. O. Calcetas-Santos, Special Rapporteur on the sale of children, child prostitution and child pornography;

(oo) In connection with item 21 (d): Mr. J.I. Mora Godoy, Chairman-Rapporteur of the working group on a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography;

(pp) In connection with item 24: Mr. J. Urrutia, Chairperson-Rapporteur of the working group established in accordance with Commission resolution 1995/32.

[See chap. III.]

1997/102. Human rights and the environment

At its 36th meeting, on 3 April 1997, the Commission on Human Rights, taking note of the reports of the Secretary-General submitted in accordance with its resolutions 1995/14 of 24 February 1995 and 1996/13 of 11 April 1996 on the question of human rights and the environment (E/CN.4/1996/23 and Add.1 and E/CN.4/1997/18), and bearing in mind the plans for consideration of Agenda 21 by the General Assembly, decided, without a vote, to invite the Secretary-General to bring those reports and the Commission's own consideration of this question to the attention of the General Assembly at its special session on Agenda 21, the Commission on Sustainable Development, the United Nations Environment Programme, the United Nations Development Programme and other relevant international bodies and organizations, and to request the Secretary-General to prepare a consolidated report based on the deliberations of the General Assembly and of those international bodies and organizations for consideration of the question of human rights and the environment by the Commission on Human Rights at its fifty-fifth session.

[See chap. V.]

1997/103. Effects of structural adjustment policies on the full enjoyment of human rights

At its 36th meeting, on 3 April 1997, the Commission on Human Rights, taking note of the report of the open-ended working group on structural adjustment programmes and economic, social and cultural rights (E/CN.4/1997/20), decided, by 36 votes to 13, with 3 abstentions, to authorize the open-ended working group to meet for one week, at least four weeks before the fifty-fourth session of the Commission, with a mandate: (a) to gather and analyse information on the effects of structural adjustment programmes on economic, social and cultural rights; and (b) to elaborate basic policy guidelines on structural adjustment programmes and economic, social and cultural rights which could serve as a basis for a continued dialogue between human rights bodies and the international financial institutions, and to report to the Commission at its fifty-fourth session.

In order that the working group might carry out its mandate, the Commission also decided:

(a) To request the Chairman of the Commission, in consultation with the regional groups, to appoint an independent expert, preferably an economist specialized in the area of structural adjustment programmes, to study the effects of structural adjustment policies on economic, social and cultural rights in cooperation with the Centre for Human Rights. The expert should update previous work done on this subject within as well as outside the United Nations and submit a consolidated study, including a draft set of guidelines, to the Commission at its fifty-fourth session;

(b) To request the Secretary-General to circulate the study to Governments, United Nations bodies, in particular the regional commissions, the specialized agencies, intergovernmental organizations, non-governmental organizations, particularly those involved in development, and academic institutions and organizations representing disadvantaged and vulnerable groups, and to invite them to submit their comments thereon to the working group at its next session;

(c) To request the Secretary-General specially to invite and encourage non-governmental organizations involved in development and working in the field to participate actively in the sessions of the working group;

(d) To request the Secretary-General to provide all the necessary assistance and resources to enable the working group to complete its work, and to provide the independent expert with all the necessary assistance and resources to carry out his/her mandate.

The Commission recommended the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B, draft decision 44; see also chap. V.]

1997/104. Status of the International Covenants on Human Rights

At its 36th meeting, on 3 April 1997, the Commission on Human Rights, reaffirming its resolution 1996/16 of 11 April 1996 and taking note of the report of the Secretary-General on the status of the International Covenants on Human Rights (E/CN.4/1997/72), decided, without a vote:

(a) To request an updated version of the report for consideration at its fifty-fourth session;

(b) To request the Secretary-General to transmit the text of the draft optional protocol to the International Covenant on Economic, Social and Cultural Rights, contained in document E/CN.4/1997/105, to Governments and intergovernmental and non-governmental organizations for their comments for submission to the Commission on Human Rights at its fifty-fourth session;

(c) To continue at its fifty-fourth session its consideration of the agenda item entitled "Status of the International Covenants on Human Rights".

[See chap. XIV.]

1997/105. Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights

At its 37th meeting, on 3 April 1997, the Commission on Human Rights, reaffirming its resolution 1996/22 of 19 April 1996 and taking note of General Assembly resolution 51/87 of 12 December 1996, welcomed the report of the Secretary-General on effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights (E/CN.4/1997/73), the note by the United Nations High Commissioner for Human Rights on the inventory of all international human rights standard-setting activities (E/CN.4/1997/75), the note by the Secretary-General transmitting the final report of the independent expert on enhancing the long-term effectiveness of the United Nations human rights treaty system (E/CN.4/1997/74), and the report of the seventh meeting of persons chairing the human rights treaty bodies (A/51/482, annex).

The Commission decided, without a vote:

(a) To invite the Secretary-General to solicit the views of United Nations bodies, Governments, specialized agencies, intergovernmental and non-governmental organizations and interested persons on the report of the independent expert and to submit a report thereon, including the Secretary-General's own views on the legal, administrative and other implications of the report's recommendations, to the Commission at its fifty-fourth session;

(b) To consider at its fifty-fourth session all reports relevant to this subject, including those of the Secretary-General, the seventh and eighth meetings of persons chairing the human rights treaty bodies and the independent expert, as well as the Secretary-General's detailed analytical study requested by the General Assembly in its resolution 51/87, if it was available;

(c) To consider the question of the effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights, at its fifty-fourth session under the agenda item entitled "Effective functioning of bodies established pursuant to United Nations human rights instruments".

[See chap. XV.]

1997/106. Human rights in the administration of justice, particularly with respect to children and juveniles in detention

At its 56th meeting, on 11 April 1997, the Commission on Human Rights, reaffirming its resolution 1996/32 of 19 April 1996 entitled "Human rights in the administration of justice, in particular of children and juveniles in detention", welcomed the report of the Secretary-General (E/CN.4/1997/26), requested the Secretary-General to submit an updated report at its fifty-fourth session, and decided, without a vote, to resume, on a biennial basis, consideration of this question at its fifty-fourth session under the agenda item entitled "Question of the human rights of all persons subjected to any form of detention or imprisonment".

[See chap. VIII.]

1997/107. Human rights of persons with disabilities

At its 56th meeting, on 11 April 1997, the Commission on Human Rights, reaffirming its resolution 1996/27 of 19 April 1996 on the human rights of persons with disabilities, in particular the requests to the Secretary-General contained therein, noted the report of the Special Rapporteur on disability of the Commission for Social Development (A/52/56, annex), and decided, without a vote, to resume consideration of this question at its fifty-fourth session and to invite the Special Rapporteur to be present on that occasion.

[See chap. XVI.]

1997/108. Traditional practices affecting the health of women and children

At its 56th meeting, on 11 April 1997, the Commission on Human Rights, taking note of resolution 1996/19 of 29 August 1996 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, decided, without a vote, to endorse the decision of the Sub-Commission to extend the mandate of the Special Rapporteur, Ms. Halima Embarek Warzazi, for a further two years in order to follow up and monitor developments in the elimination of traditional practices affecting the health of women and children through, in particular, the implementation of the Plan of Action for the Elimination of Traditional Practices Affecting the Health of Women and Children (E/CN.4/Sub.2/1994/10/Add.1 and Corr.1).

[See chap. XVI.]

1997/109. The right to a fair trial

At its 57th meeting, on 11 April 1997, the Commission on Human Rights, recalling its decision 1995/110 of 3 March 1995 and taking note of resolution 1996/29 of 29 August 1996 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, decided, without a vote, to endorse the requests by the Sub-Commission that Mr. Stanislav Chernichenko and Mr. David Weissbrodt compile and update the study on the right to a fair trial and a remedy initially prepared by Mr. Chernichenko and Mr. William Treat, and that the full study, entitled "The right to a fair trial: current recognition and measures necessary for its strengthening", be published in all the official languages of the United Nations, and recommended the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B, draft decision 46;
see also chap. VIII.]

1997/110. Question of human rights and states of emergency

At its 57th meeting, on 11 April 1997, the Commission on Human Rights, taking note of resolution 1996/30 of 29 August 1996 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, decided, without a vote, to request the Special Rapporteur on the question of human rights and states of emergency, Mr. Leandro Despouy, to submit in his tenth annual report an updated list of States which have proclaimed, extended or terminated a state of emergency, together with final conclusions on the protection of human rights during states of emergency and specific recommendations as to how this question should be dealt with in the future.

[See chap. VIII.]

1997/111. United Nations Decade for Human Rights Education

At its 57th meeting, on 11 April 1997, the Commission on Human Rights, bearing in mind its resolution 1996/44 of 19 April 1996 on the United Nations Decade for Human Rights Education and the need to allow time for the implementation of the resolution, decided, without a vote, to defer consideration of this question to its fifty-fourth session under the relevant agenda item.

[See chap. IX.]

1997/112. Protection of the heritage of indigenous people

At its 57th meeting, on 11 April 1997, the Commission on Human Rights, taking note of resolution 1996/37 of 29 August 1996 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and considering the recommendations contained in the supplementary report submitted by the Special Rapporteur, Ms. Erica-Irene A. Daes, on protection of the heritage of indigenous people (E/CN.4/Sub.2/1996/22), decided, without a vote, to recommend that Ms. Erica-Irene A. Daes be entrusted with a continuing mandate to exchange information with all parts of the United Nations system involved in activities concerned with the heritage of indigenous people, with the purpose of facilitating cooperation and coordination and of promoting the full participation of indigenous people in these efforts. The Commission also requested the Secretary-General to provide the Special Rapporteur of the Sub-Commission with all the assistance necessary to accomplish her work.

[See chap. XXIV.]

1997/113. Study on treaties, agreements and other constructive arrangements between States and indigenous populations

At its 57th meeting, on 11 April 1997, the Commission on Human Rights, taking note of decision 1996/118 of 29 August 1996 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, decided, without a vote, to endorse the decision of the Sub-Commission to request the Special Rapporteur of the Sub-Commission on the study on treaties, agreements and other constructive arrangements between States and indigenous populations, Mr. Miguel Alfonso Martínez, to submit his final report in time for it to be considered by the Working Group on Indigenous Populations at its fifteenth session and by the Sub-Commission at its forty-ninth session. The Commission requested the Secretary-General to give the Special Rapporteur all the assistance necessary to enable him to conclude his study, in particular by providing for specialized research assistance and for special consultations with the Centre for Human Rights.

[See chap. XXIV.]

1997/114. Study on indigenous land rights

At its 58th meeting, on 11 April 1997, the Commission on Human Rights, taking note of resolution 1996/38 of 29 August 1996 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, decided, without a vote, to approve the appointment of Ms. Erica-Irene A. Daes as Special Rapporteur to prepare, from within existing resources, a working paper on indigenous people and their relationship to land with a view to suggesting practical measures to address ongoing problems in this regard. The Commission requested the Special Rapporteur: (a) to submit a preliminary working paper to the Working Group on Indigenous Populations at its fifteenth session and to the Sub-Commission at its forty-ninth session; (b) to transmit the working paper to Governments and indigenous organizations for their views, which the Special Rapporteur should take into account, inter alia, in preparing her final working paper; (c) to submit her final working paper to the Working Group at its sixteenth session and to the Sub-Commission at its fiftieth session. The Commission requested the Secretary-General to provide the Special Rapporteur with the assistance necessary to enable her to complete her working paper, and recommended the following draft decision to the Economic and Social Council for adoption:

[For the text, see chap. I, sect. B, draft decision 50;
see also chap. XXIV.]

1997/115. Human rights and income distribution

At its 63rd meeting, on 15 April 1997, the Commission on Human Rights, taking note of resolution 1996/26 of 29 August 1996 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, decided, without a vote, to defer a decision on the Sub-Commission's request to the Economic and Social Council that the Secretary-General organize a seminar of experts to develop appropriate indicators, as provided for in paragraph 36 (n) of the Programme of Action of the World Summit for Social Development (A/CONF.166/9, chap. I), and to monitor the implementation of the commitments made by Governments, as set out in paragraph 36 (a) to (m) of the Programme of Action, with a view to deciding whether the activity should be held under the Commission for Social Development or under the Commission on Human Rights.

[See chap. V.]

1997/116. Rationalization of the work of the special procedures system and review of the special procedures system

At its 64th meeting, on 15 April 1997, the Commission on Human Rights decided, without a vote, to defer consideration of draft resolutions E/CN.4/1997/L.86, entitled "Rationalization of the work of the special procedures system", and E/CN.4/1997/L.87, entitled "Review of the special procedures system", to its fifty-fourth session.

[See chap. IX.]

1997/117. Conscientious objection to military service

At its 67th meeting, on 16 April 1997, the Commission on Human Rights, recalling its resolution 1995/83 of 8 March 1995, decided, without a vote, to defer consideration of the question of conscientious objection to military service to its fifty-fourth session.

[See chap. III.]

1997/118. Tolerance and pluralism as indivisible elements in the promotion and protection of human rights

At its 67th meeting, on 16 April 1997, the Commission on Human Rights, bearing in mind its resolution 1996/19 of 11 April 1996, entitled "Tolerance and pluralism as indivisible elements in the promotion and protection of human rights", and the need to allow time for the implementation of the resolution, decided, without a vote, to defer consideration of this question to its fifty-fourth session under the relevant agenda item.

[See chap. III.]

1997/119. Organization of the work of the fifty-fourth session

At its 67th meeting, on 16 April 1997, the Commission on Human Rights, taking into account its heavy schedule of work, as well as the need to give adequate consideration to all the items on its agenda, and recalling that in previous years the Economic and Social Council had approved the Commission's requests for additional meetings for its thirty-seventh to fifty-third sessions, decided, without a vote:

(a) To recommend to the Economic and Social Council that it authorize, if possible within existing financial resources, 40 fully serviced additional meetings, including summary records, in accordance with rules 29 and 31 of the rules of procedure of the functional commissions of the Economic and Social Council, for the Commission's fifty-fourth session;

(b) To request the Chairman of the Commission at its fifty-fourth session to make every effort to organize the work of the session within the times normally allotted, so that the additional meetings that the Economic and Social Council might authorize would be utilized only if they proved to be absolutely necessary.

[See chap. III.]

1997/120. Organization of the work of the fifty-fourth session

At its 67th meeting, on 16 April 1997, the Commission on Human Rights decided, without a vote, that, unless otherwise indicated in the resolutions adopted at its fifty-third session, all special rapporteurs, special representatives, independent experts and working groups entrusted with continuing thematic or country-oriented mandates established by the Commission were expected to report to the Commission at its fifty-fourth session, even if the relevant resolutions did not make explicit reference to that reporting obligation.

[See chap. III.]

1997/121. Question of human rights in Cyprus

At its 67th meeting, on 16 April 1997, the Commission on Human rights decided, without a vote, to retain on its agenda item 10 (a), entitled "Question of human rights in Cyprus", and to give it due priority at its fifty-fourth session, it being understood that action required by previous resolutions of the Commission on the subject would continue to remain operative, including the request to the Secretary-General to provide a report to the Commission regarding their implementation.

[See chap. X.]

1997/122. Human rights and the follow-up to the guidelines for the regulation of computerized personal data files

At its 67th meeting, on 16 April 1997, the Commission on Human Rights, referring to the guidelines for the regulation of computerized personal data files (E/CN.4/1990/72) adopted by the General Assembly in its resolution 45/95 of 14 December 1990, and taking note of the report of the Secretary-General prepared pursuant to Commission decision 1995/114 of 8 March 1995 (E/CN.4/1997/67), decided, without a vote:

(a) To request States and intergovernmental, regional and non-governmental organizations to cooperate fully with the Secretary-General by providing him with any relevant information on the application of the guidelines;

(b) To request the Secretary-General to continue to ensure the implementation of the guidelines in the United Nations system;

(c) To request the Secretary-General to report to the Commission at its fifty-fifth session:

(i) On the application of the guidelines within the United Nations system;

(ii) On information collected from States and intergovernmental, regional and non-governmental organizations concerning the follow-up to the guidelines at the national and regional levels.

[See chap. XII.]

1997/123. Organization of the work of the fifty-fourth session

At its 68th meeting, on 18 April 1997, the Commission on Human Rights decided, without a vote, in the light of the positive experience gained by rescheduling the dates of its fifty-second and fifty-third sessions, to recommend to the Economic and Social Council, pursuant to Council decision 1994/297 of 29 July 1994, and bearing in mind Council decision 1995/296 of 25 July 1995, that the Commission's annual regular session be rescheduled to take place in March/April each year, instead of earlier in the year, and that, accordingly, the fifty-fourth session should take place from 16 March to 24 April 1998.

[See chap. III.]

1997/124. Composition of the staff of the Centre for Human Rights

At its 69th meeting, on 18 April 1997, the Commission on Human Rights decided, without a vote, to defer consideration of draft resolution E/CN.4/1997/L.47, entitled "Composition of the staff of the Centre for Human Rights", to its fifty-fourth session.

[See chap. IX.]

1997/125. Racism, racial discrimination, xenophobia and related intolerance

At its 70th meeting, on 18 April 1997, the Commission on Human Rights, having considered the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (E/CN.4/1997/71), and in particular chapter II, which reproduces in paragraph 27 a text containing, in its section 3, entitled "Islamist and Arab anti-Semitism", the following offensive reference to the Holy Qur'an: "The use of Christian and secular European anti-Semitism motifs in Muslim publications is on the rise, yet at the same time Muslim extremists are turning increasingly to their own religious sources, first and foremost the Qur'an, as a primary anti-Jewish source.",

(a) Decided, without a vote, to express its indignation and protest at the content of such an offensive reference to Islam and the Holy Qur'an;

(b) Affirmed that that offensive reference should have been excluded from the report;

(c) Requested its Chairman to ask the Special Rapporteur to take corrective action in response to the present decision.

[See chap. XIII.]

1997/126. Restructuring and revitalization of the Commission on Human Rights

At its 70th meeting, on 18 April 1997, the Commission on Human Rights decided, without a vote, to defer consideration of draft resolution E/CN.4/1997/L.105, entitled "Restructuring and revitalization of the Commission on Human Rights", to its fifty-fourth session.

[See chap. III.]

III. ORGANIZATION OF THE WORK OF THE SESSION

A. Opening and duration of the session

1. The Commission on Human Rights held its fifty-third session at the United Nations Office at Geneva from 10 March to 18 April 1997. It held 70 meetings (E/CN.4/1997/SR.1-70) 1/ during the session.

2. The session was opened by Mr. Gilberto V. Saboia, Chairman of the Commission at its fifty-second session, who made a statement.

B. Attendance

3. The session was attended by representatives of States members of the Commission, by observers for other States Members of the United Nations, by observers for non-member States and by representatives of the specialized agencies, regional intergovernmental organizations, national liberation movements and non-governmental organizations. An attendance list is given in annex I to the present report.

C. Election of officers

4. At its 1st meeting, on 10 March 1997, the Commission elected the following officers by acclamation:

Chairman:	Mr. Miroslav Somol (Czech Republic)
Vice-Chairpersons:	Mr. Mounir Zahran (Egypt) Ms. Lilia R. Bautista (Philippines) Mr. Christian Strohal (Austria)
Rapporteur:	Ms. Margarita Escobar López (El Salvador)

D. Agenda

5. Also at its 1st meeting, the Commission had before it the provisional agenda of the fifty-third session (E/CN.4/1997/1, E/CN.4/1997/1/Add.1 and Corr.1), drawn up, in accordance with rule 5 of the rules of procedure of the functional commissions of the Economic and Social Council, on the basis of the provisional agenda considered by the Commission at its fifty-second session in accordance with paragraph 3 of Economic and Social Council resolution 1894 (LVII).

6. The agenda was adopted without a vote. For the text as adopted, see annex II to the present report.

E. Organization of work

7. At its 2nd meeting, on 11 March 1997, the Commission considered the organization of its work.

8. For the documents issued under agenda item 3, see annex IV to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairman's statements, by agenda item, see annex V to the present report.

9. Bearing in mind the respective priority of the items and the availability of the relevant documentation, the Commission accepted the recommendation of its officers that the following agenda items should be considered concurrently: items 4 and 7; items 5 and 6; items 11, 17 and 19; items 14 and 15; and items 9 and 18. The Commission further agreed to consider the agenda items in the following order: 3; 4 and 7; 13; 14 and 15; 5 and 6; 11, 17 and 19; 16; 8; 24; 9 and 18; 10 (b); 10; 21; 23; 22; 20; 12; 25; 26.

10. Also at its 2nd meeting, the Commission accepted the recommendation of its officers regarding limitation of the frequency and duration of statements. Members of the Commission were limited to one statement of 10 minutes or two statements of 5 minutes per item or group of items. Observers and non-governmental organizations were limited to one statement of 5 minutes per item or group of items. Observer States and national liberation movements mentioned in reports submitted to the Commission were limited to one statement of 5 minutes under the item concerned. It was also agreed that, with regard to rights of reply, a limitation to two replies, 3 minutes for the first and 2 minutes for the second, at the end of the day, would be observed.

11. It was also recommended that guest speakers should limit their statements to 10-15 minutes. Special rapporteurs, special representatives, independent experts and chairpersons of working groups should limit their initial statements to 10 minutes and their concluding remarks, if necessary, to 5 minutes.

12. At the same meeting, on the recommendation of its officers, the Commission decided to invite a number of experts, special rapporteurs, special representatives and chairmen-rapporteurs of working groups to participate in the meetings at which their reports were to be considered.

13. For the text of the decision as adopted, see chapter II, section B, decision 1997/101.

14. In the general debate on agenda item 3, statements 2/ were made by the following members of the Commission: Algeria (2nd), Angola (2nd, 17th), Bangladesh (2nd), Bhutan (3rd), Canada (3rd), China (2nd, 43rd), Colombia (3rd), Cuba (2nd), Egypt (2nd), El Salvador (3rd), Germany (on behalf of the Group of Western European and other States) (4th), India (2nd, 4th, 64th), Indonesia (2nd), Japan (39th), Malaysia (on behalf of the Group of Asian States) (2nd), Netherlands (3rd), Pakistan (2nd), Philippines (2nd), Sri Lanka (2nd, 47th, 59th), Zimbabwe (3rd).

15. The Commission heard a statement by the Observer for Nigeria (2nd).

16. The Commission also heard a statement by the following non-governmental organization: Latin American Federation of Associations of Relatives of Disappeared Detainees (3rd).

Hostage-taking

17. At the 5th meeting, on 12 March 1997, the Chairman, on behalf of the Commission, made the following statement concerning the hostage-taking at the residence of the Ambassador of Japan in Lima:

"The Commission on Human Rights

"1. Vigorously condemns the occupation of the residence of the Ambassador of Japan in Lima, Peru, and the hostage-taking there by terrorist elements, as well as hostage-taking all over the world;

"2. Recalls that it has repeatedly and firmly condemned hostage-taking as an act aimed at the destruction of human rights;

"3. Expresses its solidarity with the Governments of Peru and Japan, as well as with the Governments of all countries concerned, and with the hostages and their families;

"4. Strongly supports the efforts of the Governments of Peru and Japan to resolve the situation in a peaceful manner and encourages the continuation of the conversations between the interlocutor of the Government of Peru and the Tupac Amaru Revolutionary Movement (MRTA), in order to arrive at prompt results;

"5. Strongly demands that the hostages taken in the residence of the Ambassador of Japan in Lima and all other hostages held in any other country be released immediately."

Situation of human rights in Colombia

18. At the 66th meeting, on 16 April 1997, the Chairman, on behalf of the Commission, made the following statement concerning the situation of human rights in Colombia:

"The Commission on Human Rights warmly welcomes the opening of the permanent office of the United Nations High Commissioner for Human Rights in Bogotá. It welcomes the commitment of the High Commissioner and of the Government of Colombia to the establishment of this office, as can be seen in the intensive negotiations leading to the successful conclusion and signing, on 29 November 1996, of the agreement between the aforementioned parties on the establishment of the said office. The Commission would have expected the office to open more promptly, and expresses the hope that it will initiate its operational activities immediately. In accordance with the statement by the Chairman of the Commission on 23 April 1996, the office is to assist the Colombian authorities in developing policies and programmes for the promotion and protection of human rights and to observe violations of human rights in the country, making reports thereon to the High Commissioner.

"The Commission on Human Rights also acknowledges the efforts carried out by the Government of Colombia in the field of human rights and its willingness to cooperate with the Commission's special rapporteurs and working groups.

"Notwithstanding the above, the Commission on Human Rights remains deeply concerned that the situation of endemic violence and the situation of internal armed conflict affecting many parts of the country have had serious consequences for human rights.

"The Commission on Human Rights is also deeply concerned at the persistence of thousands of violations of the right to life, and the increasing involvement therein of 'paramilitary groups'. This conflict entails serious and continuous abuses and violations of human rights and humanitarian law by both State agents and guerrilla groups.

"The Commission urges the Government of Colombia to continue to strengthen its support, through all institutions of the State, for all those who promote the defence of human rights.

"The Commission urges the guerrilla groups in Colombia to respect the norms of international humanitarian law and, especially, to abandon the use of kidnapping, hostage-taking, anti-personnel landmines, indiscriminate killings and all attacks on the civilian population. The Commission calls for the liberation, on humanitarian grounds, of the 70 Colombian soldiers held by a guerrilla group since August 1996.

"The Commission on Human Rights acknowledges that the Government of Colombia has taken steps for the application of humanitarian standards in the conflict and welcomes its continued cooperation with the International Committee of the Red Cross and the facilitation of the latter's humanitarian activities in the country.

"The Commission on Human Rights remains deeply preoccupied by the numerous cases of disappearance, as reflected in the report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1997/34). The application at the national level of the Declaration on the Protection of All Persons from Enforced Disappearance faces several obstacles, generating impunity.

"The Commission on Human Rights calls for the urgent adoption of more effective legislative, administrative, judicial or other measures to prevent and terminate acts of enforced disappearance, in accordance with article 3 of the Declaration.

"The Commission on Human Rights remains concerned at the alarming level of impunity, in particular concerning abuses by State agents that continue to fall under the jurisdiction of military courts; it encourages the Government of Colombia to continue and conclude the process of reform of the military penal code, in accordance with the recommendations made by the thematic rapporteur, inter alia as far as the exclusion from the jurisdiction of military courts of human rights violations, and in particular crimes against humanity, is concerned.

The Commission welcomes the important advances made in a number of cases of gross violations of human rights by the Human Rights Unit of the Office of the General Prosecutor, which is investigating and indicting State agents, guerrillas and members of 'paramilitary groups' responsible for violations of human rights or humanitarian law.

"The Commission on Human Rights is deeply concerned also at the persistence of the practice of torture. The information before the Committee against Torture indicates that the law in Colombia is not yet in accordance with several obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Commission calls upon the Government of Colombia to combat the occurrence of torture and ill-treatment, as well as the impunity which permits them to continue, as stated by the Special Rapporteur on torture in his report (E/CN.4/1997/7).

"The Commission on Human Rights urges the Government of Colombia to continue strengthening ordinary justice versus special systems of justice, the misuse of which can lead to serious violations of human rights and denial of a fair trial.

"While encouraging the work of the special commission set up by the Government of Colombia for the analysis, follow-up and implementation of the recommendations of international human rights bodies, the Commission on Human Rights considers that the implementation of these recommendations, in particular those of the thematic rapporteurs and working groups, is still not sufficient.

"The Commission on Human Rights expects that the activities of the new human rights office in Bogotá will contribute to improving the human rights situation in Colombia and to promoting a climate of trust between the Government and all sectors involved in the conflict, encouraging a process of constructive dialogue involving non-governmental organizations and other sectors of civil society, and to preventing violations of human rights and international humanitarian law.

"The Commission on Human Rights requests the High Commissioner for Human Rights to present a comprehensive analytical report to the Commission at its fifty-fourth session on the setting up of the office and its activities, and on developments in the human rights situation in Colombia."

Conscientious objection to military service

19. At the 67th meeting, on 16 April 1997, the representative of the Netherlands introduced draft decision E/CN.4/1997/L.15, sponsored by the Netherlands.

20. The draft decision was adopted without a vote. For the text of the decision as adopted, see chapter II, section B, decision 1997/117.

Tolerance and pluralism as indivisible elements in the promotion and protection of human rights

21. At the 67th meeting, on 16 April 1997, the representative of India introduced draft decision E/CN.4/1997/L.33, sponsored by Australia, Austria, Bhutan, Brazil, Bulgaria, Canada, Colombia, Costa Rica, Cyprus, Denmark, El Salvador, Germany, India, Ireland, Italy, the Netherlands, Poland, the Russian Federation, South Africa, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Madagascar and Sweden subsequently joined the sponsors.

22. The draft decision was adopted without a vote. For the text of the decision as adopted, see chapter II, section B, decision 1997/118.

Organization of the work of the fifty-fourth session of the Commission

23. At the 67th meeting, on 16 April 1997, the Chairman orally proposed a draft decision concerning the organization of the work of the fifty-fourth session of the Commission (dates of the session).

24. Statements in connection with the draft decision were made by the representatives of Argentina, Belarus, Bulgaria, Canada, Ethiopia, Mexico, the Russian Federation and the United Kingdom of Great Britain and Northern Ireland and by the Observer for Greece.

25. On the proposal of the Chairman, consideration of the draft decision was postponed.

26. At its 68th meeting, on 18 April 1997, the Commission, in accordance with decisions 1994/297 and 1995/296 of the Economic and Social Council, decided, without a vote, to recommend to the Council that the fifty-fourth session of the Commission be scheduled from 16 March to 24 April 1998.

27. For the text of the decision as adopted, see chapter II, section B, decision 1997/123.

28. At the 67th meeting, on 16 April 1997, the Chairman orally proposed a draft decision concerning the organization of the work of the fifty-fourth session of the Commission (additional meetings).

29. The draft decision was adopted without a vote. For the text of the decision as adopted, see chapter II, section B, decision 1997/119.

Reporting obligation

30. At its 67th meeting, on 16 April 1997, the Commission decided, without a vote, that, unless otherwise indicated in the resolutions adopted at the fifty-third session, all special rapporteurs, special representatives, independent experts and working groups entrusted with continuing thematic or country-oriented mandates established by the Commission were expected to

report to the Commission at its fifty-fourth session, even if the relevant resolutions did not make explicit reference to that reporting obligation.

31. For the text of the decision as adopted, see chapter II, section B, decision 1997/120.

Organization of the work of the session

32. On 11 March 1997, the representative of Sri Lanka submitted draft decision E/CN.4/1997/L.2, sponsored by Algeria, Angola, Bangladesh, Bhutan, China, Cuba, Egypt, India, Indonesia, Iran (Islamic Republic of), Malaysia, Nigeria, Pakistan, the Philippines, Sri Lanka and Viet Nam. Colombia, Myanmar, Nepal, Saudi Arabia, Singapore, Thailand and Uganda subsequently joined the sponsors.

33. The draft decision read as follows:

> "Organization of the work of the session
>
> "At its ... meeting, on ... March 1997, the Commission on Human Rights decided that the adoption of decisions and resolutions should, without prejudice to its rules of procedure, be based on consensus, voting being reserved only for cases where consensus was not reached after all efforts to that end had been exhausted."

34. At the 70th meeting, on 18 April 1997, the Chairman, on behalf of the Commission, made the following statement, replacing draft decision E/CN.4/1997/L.2:

> "With a view to enhancing its effectiveness in promoting and protecting human rights, the Commission on Human Rights, at its 70th meeting, on 18 April 1997, recognizing the importance of cooperation and consultation, as well as consensus-building, affirmed that, as far as possible, decisions should be made and resolutions adopted without a vote. However, voting, in accordance with the rules of procedure, should take place when an agreement cannot be reached.
>
> "The Commission takes note of the results achieved in this field during its fifty-second and fifty-third sessions.
>
> "The Commission will continue to keep this matter under review."

35. At the same meeting, statements in connection with the draft decision and the Chairman's statement were made by the representatives of China and Cuba.

Restructuring and revitalization of the Commission on Human Rights

36. On 11 April 1997, the representative of Cuba submitted draft resolution E/CN.4/1997/L.105.

37. At its 70th meeting, on 18 April 1997, on the proposal of the representative of Cuba, the Commission decided, without a vote, to defer consideration of draft resolution E/CN.4/1997/L.105 to its fifty-fourth session. The draft resolution read as follows:

"Restructuring and revitalization of the Commission on Human Rights

"The Commission on Human Rights,

"Bearing in mind the Vienna Declaration and Programme of Action, which recognized the necessity for a continuing adaptation of the United Nations human rights machinery to the current and future needs in the promotion and protection of human rights for all people,

"Mindful of General Assembly resolution 50/227 of 24 May 1996 in which the Assembly called upon the relevant intergovernmental bodies to fully implement measures for the restructuring and revitalization of the United Nations in the economic, social and related fields,

"Concerned about the considerable increase in the workload, including the growing amount of documentation submitted to and the resolutions and decisions adopted by the Commission over the years,

"Conscious of the need to make economical use of the time and resources of the Commission,

"1. Decides to establish an open-ended inter-sessional working group of the Commission on Human Rights to consider the issues included in the annex to the present resolution and to submit specific proposals to the Commission at its fifty-fourth session;

"2. Also decides to include in the provisional agenda of its fifty-fourth session an item entitled 'Restructuring and revitalization of the Commission on Human Rights'.

"Annex

"Issues to be considered by the open-ended inter-sessional working group

"1. Duration of the annual session of the Commission.

"2. Restructuring of the agenda:

(a) Clustering of items;

(b) Periodicity of the consideration of items.

"3. Documentation to be considered by the Commission, inter alia:

(a) Availability of Commission documents prior to the opening of the annual session;

(b) Availability of background documentation;

(c) Contributions by Member States, governmental and intergovernmental observers, and non-governmental organizations.

"4. The Commission's methods of work:

(a) Time limits for statements by States members of the Commission, governmental and intergovernmental observers, non-governmental organizations, guest speakers, special rapporteurs, experts, special representatives and chairmen-rapporteurs;

(b) Method for consultations during the session, including the allocation of time and venues for this purpose;

(c) Participation of non-governmental organizations in the debate on the various substantive items of the agenda;

(d) Review of the overall system of submission of reports, inter alia by the Secretary-General, the Commission's inter-sessional working groups and thematic and country special procedures.

"5. Overall review of the special procedures system:

(a) Special rapporteurs, special representatives and individual experts;

(b) Working groups.

"6. Review of staffing policy and overall support by the Secretariat to the Commission."

38. For the text of the decision as adopted, see chapter II, section B, decision 1997/126.

F. Meetings, resolutions and documentation

39. As indicated in paragraph 1 above, the Commission held 70 fully serviced meetings, including 17 additional meetings, authorized by Economic and Social Council decision 1996/295 of 24 July 1996.

40. The resolutions and decisions adopted by the Commission at its fifty-third session are contained in chapter II of the present report. Draft resolutions and decisions for action by the Economic and Social Council are set out in chapter I. For a list of resolutions and decisions adopted by the Commission and Chairman's statements, by agenda item, see annex V to the present report.

41. Annex III contains a statement regarding the administrative and programme budget implications of resolutions and decisions adopted by the Commission at its fifty-third session.

42. Annex IV contains a list of documents issued for the fifty-third session of the Commission.

G. Visits

43. During its fifty-third session, the Commission heard statements 1/ by the following guest speakers:

(a) At the 1st meeting, on 10 March 1997: Mr. José Ayala-Lasso, United Nations High Commissioner for Human Rights;

(b) At the 2nd meeting, on 11 March 1997: Ms. Lena Hjelm-Wallén, Minister for Foreign Affairs of Sweden, in connection with whose statement a statement in exercise of the right of reply was made by the representative of China (3rd), followed by a statement in exercise of the equivalent of the right of reply by the Observer for Sweden (3rd); Mr. Niels Helveg Petersen, Minister for Foreign Affairs of Denmark;

(c) At the 4th meeting, on 12 March 1997: Mr. Abdul Matin Khasru, Minister of Law, Justice and Parliamentary Affairs of Bangladesh; Ms. Rebecca Kadaga, Minister of State for Foreign Affairs of Uganda; Mr. Faustin Nteziryayo, Minister of Justice of Rwanda; Mr. Zoran Thaler, Minister for Foreign Affairs of Slovenia;

(d) At the 5th meeting, on 12 March 1997: Mr. Hans van Mierlo, Deputy Prime Minister and Minister for Foreign Affairs of the Netherlands (on behalf of the European Union, Bulgaria, Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia, Slovenia), in connection with whose statement statements in exercise of the right of reply or its equivalent were made by the representative of China (5th) and by the Observer for Nigeria (5th), followed by a statement in exercise of the right of reply by the representative of the Netherlands (6th); Ms. Tarja Halonen, Minister for Foreign Affairs of Finland; Mr. Xavier Emmanuelli, Secretary of State for Urgent Humanitarian Action of France; Ms. Patrizia Toia, Deputy Minister for Foreign Affairs of Italy;

(e) At the 6th meeting, on 13 March 1997: Mr. Cyril Svoboda, Deputy Minister for Foreign Affairs of the Czech Republic; Mr. Ismael Tidjani-Serpos, Minister of Justice, Legislation and Human Rights of Benin;

(f) At the 8th meeting, on 14 March 1997: Mr. Vartan Oskanian, Deputy Minister for Foreign Affairs of Armenia, in connection with whose statement a statement in exercise of the equivalent of the right of reply was made by the Observer for Azerbaijan (9th);

(g) At the 10th meeting, on 17 March 1997: Mr. Azeddine Laraki, Secretary-General of the Organization of the Islamic Conference, in connection with whose statement statements in exercise of the right of reply or its equivalent were made by the representative of India (11th) and by the Observer for Armenia (11th);

(h) At the 12th meeting, on 18 March 1997: Ms. Ljerka Mintas Hodak, Deputy Prime Minister of Croatia; Mr. Marc Eloi Rahandi Chambrier, Minister of State, Minister of Justice in charge of human rights of Gabon;

(i) At the 14th meeting, on 19 March 1997: Ms. Christine Stewart, Secretary of State of Canada for Latin America and Africa, in connection with whose statement a statement in exercise of the equivalent of the right of reply was made by the Observer for Nigeria (15th); Mr. Jan Egeland, State Secretary, Ministry of Foreign Affairs of Norway, in connection with whose statement a statement in exercise of the equivalent of the right of reply was made by the Observer for the Islamic Republic of Iran (15th);

(j) At the 16th meeting, on 20 March 1997: Mr. Hans van den Broek, member of the European Commission in charge of external relations;

(k) At the 18th meeting, on 21 March 1997: Ms. Christine Ruhaza, Minister of Human Rights, Social Action and Promotion of Women of Burundi;

(l) At the 20th meeting, on 24 March 1997: Ms. Hanan Ashrawi, Minister of Higher Education in the Palestinian National Authority, in accordance with rule 70 of the rules of procedure of the functional commissions of the Economic and Social Council, in connection with whose statement a statement in exercise of the equivalent of the right of reply was made by the Observer for Israel (21st);

(m) At the 22nd meeting, on 25 March 1997: Mr. Camilo Reyes Rodriguez, Deputy Minister for Foreign Affairs of Colombia;

(n) At the 28th meeting, on 27 March 1997: Mr. René Blattmann, Minister of Justice of Bolivia;

(o) At the 30th meeting, on 1 April 1997: Ms. Sadako Ogata, United Nations High Commissioner for Refugees; Mr. William Richardson, Permanent Representative of the United States of America to the United Nations, in connection with whose statement statements in exercise of the right of reply or its equivalent were made by the representatives of China (31st) and Cuba (31st) and by the observers for Iraq (31st), Myanmar (31st) and Palestine (31st);

(p) At the 33rd meeting, on 2 April 1997: Ms. Marta Altolaguirre, Minister of Human Rights of Guatemala; Mr. Ephrem Seth Dorkenoo, Minister of Justice and Human Rights of Togo; Mr. Ljubomir Danailov Frckoski, Minister for Foreign Affairs of the former Yugoslav Republic of Macedonia, in connection with whose statement statements in exercise of the equivalent of the right of reply were made by the Observer for Greece (34th), followed by statements in exercise of the equivalent of the right of reply by the Observer for the former Yugoslav Republic of Macedonia (34th); Mr. Valdis Birkavs, Minister for Foreign Affairs of Latvia;

(q) At the 43rd meeting, on 7 April 1997: Mr. Husein Zivalj, Deputy Minister for Foreign Affairs of Bosnia and Herzegovina;

(r) At the 46th meeting, on 8 April 1997: Mr. Abdul Bassit Sebderat, Minister of Justice of the Sudan;

(s) At the 49th meeting, on 9 April 1997: Mr. Kofi Annan, Secretary-General of the United Nations; Ms. Carol Bellamy, Executive Director of the United Nations Children's Fund;

(t) At the 59th meeting, on 14 April 1997: Mr. Sardar Mohammad Abdul Qayyum Khan, Federal Minister of Pakistan, in connection with whose statement a statement in exercise of the right of reply was made by the representative of India (60th);

(u) At the 63rd meeting, on 15 April 1997: Mr. Francisco-Javier Ngomo Mbengono, Deputy Prime Minister of Equatorial Guinea.

H. Other matters

44. At its 1st meeting, on 10 March 1997, the Commission observed a minute of silence in memory of the five members of the Human Rights Field Operation in Rwanda who had lost their lives in an ambush on 4 February 1997.

45. At the 8th meeting, on 14 March 1997, Mr. José Ayala-Lasso, United Nations High Commissioner for Human Rights, made a statement. At the same meeting, statements were made by the representatives of China, the Czech Republic (on behalf of the Group of Eastern European States), El Salvador (on behalf of the Group of Latin American and Caribbean States), Gabon, Germany, Malaysia (on behalf of the Group of Asian States), the Netherlands (on behalf of the European Union), Pakistan and the United States of America. The Observer for Mauritius (on behalf of the Group of African States) also made a statement.

46. At its 18th meeting, on 21 March 1997, the Commission, at the request of the representative of Zimbabwe, observed a minute of silence in memory of the late Michael Manley, Prime Minister of Jamaica.

47. At the 22nd meeting, on 25 March 1997, Mr. Pierre-Henri Imbert, Director of Human Rights of the Council of Europe, made a statement.

48. At its 35th meeting, on 2 April 1997, the Commission, at the request of the Observer for Turkey, on the sorrowful occasion of the latest tragic incidents involving Turkish migrant workers and members of their families in The Hague (Netherlands) and Krefeld (Germany), observed a minute of silence in memory of the victims of racism and xenophobia all over the world, to show its resolve to combat acts designed to destroy the basic human right of a person, namely the right to life.

49. At the 36th meeting, on 3 April 1997, the representative of the Netherlands (on behalf of the European Union) made a general statement on the financial implications of draft resolutions and decisions adopted by the Commission.

50. At the 50th meeting, on 9 April 1997, Mr. Maryan Baquerot, Director, Division of Administration, United Nations Office at Geneva, made a statement on the procedures that applied in respect of administrative and budgetary matters.

51. At the 70th meeting, on 18 April 1997, the Chairman, on behalf of the Commission, made the following statement concerning the recent accident in Saudi Arabia:

> "We learned with great sadness of the tragic accident that left several hundred Muslim pilgrims dead and more than 1,000 injured in Saudi Arabia.
>
> "I wish to express, on behalf of the Commission on Human Rights, my profound sympathy and condolences to the bereaved families and to all Muslims observing the holy day of the Islamic faith."

IV. QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE

52. The Commission considered agenda item 4 concurrently with item 7 (see chap. VII) at its 3rd to 9th meetings, from 11 to 14 March, and at its 26th meeting, on 26 March 1997. 1/

53. For the documents issued under agenda item 4, see annex IV to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairman's statements, by agenda item, see annex V to the present report.

54. At the 3rd meeting, on 11 March 1997, the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Mr. Hannu Halinen, introduced his report (E/CN.4/1997/16). At the 9th meeting, on 14 March 1997, the Special Rapporteur made his concluding remarks.

55. In the general debate on agenda item 4, statements 2/ were made by the following members of the Commission: Algeria (8th), Bangladesh (7th), Canada (6th), China (4th), Cuba (4th), Egypt (5th), India (6th), Indonesia (on behalf of the Organization of the Islamic Conference) (4th), Japan (6th), Malaysia (6th), Netherlands (3rd), Nicaragua (8th), Pakistan (6th), Republic of Korea (5th), Russian Federation (8th), United States of America (6th), Zimbabwe (5th).

56. The Commission heard statements by the observers for: Iran (Islamic Republic of) (8th), Israel (9th), Jordan (5th), Libyan Arab Jamahiriya (8th), Morocco (4th), Norway (6th), Senegal (4th), Sudan (4th), Swaziland (3rd), Syrian Arab Republic (3rd), Tunisia (5th), Yemen (4th). The Observer for Palestine also made a statement (3rd).

57. A statement was also made by the Observer for the League of Arab States (3rd).

58. The Commission also heard statements by the following non-governmental organizations: Amnesty International (3rd), Arab Lawyers Union (9th), Centre Europe-Tiers Monde (4th), Franciscans International (6th), International Commission of Jurists (7th), International Federation of Human Rights Leagues (3rd), Pax Christi International (5th), Women's International League for Peace and Freedom (4th), World Jewish Congress (3rd), World Organization against Torture (4th).

59. Statements in exercise of the equivalent of the right of reply were made by the observers for the Islamic Republic of Iran (9th), Israel (3rd) and the Syrian Arab Republic (7th). The Observer for Palestine also made statements (3rd, 9th).

60. At its 26th meeting, on 26 March 1997, the Commission took up consideration of the draft resolutions submitted under agenda item 4.

Question of the violation of human rights in the occupied Arab territories, including Palestine

61. The representative of Indonesia introduced draft resolution E/CN.4/1997/L.3, sponsored by Algeria, Bahrain, Bangladesh, China, Cuba, Egypt, Indonesia, Jordan, Malaysia, Morocco, Oman, Pakistan, Qatar, Saudi Arabia, Tunisia and Yemen. Mauritania and the Sudan subsequently joined the sponsors.

62. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

63. Statements in explanation of vote before the vote were made by the representatives of the Netherlands (on behalf of the European Union) and the United States of America.

64. At the request of the representative of the United States of America, a roll-call vote was taken on the draft resolution, which was adopted by 25 votes to 1, with 23 abstentions. The voting was as follows:

In favour: Algeria, Bangladesh, Benin, Bhutan, Brazil, Cape Verde, Chile, China, Cuba, Egypt, Ethiopia, Guinea, India, Indonesia, Malaysia, Mexico, Mozambique, Nepal, Pakistan, Philippines, Republic of Korea, South Africa, Sri Lanka, Uganda, Zimbabwe.

Against: United States of America.

Abstaining: Angola, Argentina, Austria, Belarus, Bulgaria, Canada, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, France, Germany, Ireland, Italy, Japan, Madagascar, Netherlands, Nicaragua, Russian Federation, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay.

65. Statements in explanation of vote after the vote were made by the representatives of Chile and Colombia.

66. The delegation of Gabon later advised the Secretariat that, had it been present, it would have voted in favour of the draft resolution.

67. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/1.

Human rights in the occupied Syrian Golan

68. The Observer for the Syrian Arab Republic introduced draft resolution E/CN.4/1997/L.5, sponsored by Algeria, Bahrain, Bangladesh, Cuba, Egypt, Indonesia, Jordan, Kuwait, Lebanon, Malaysia, Morocco, Oman, Qatar,

Saudi Arabia, Somalia, the Syrian Arab Republic, Tunisia, the United Arab Emirates and Yemen. The Democratic People's Republic of Korea, Mauritania and Pakistan subsequently joined the sponsors.

69. Statements in explanation of vote before the vote were made by the representatives of the Netherlands (on behalf of the European Union) and the United States of America.

70. At the request of the representative of the United States of America, a roll-call vote was taken on the draft resolution, which was adopted by 26 votes to 1, with 23 abstentions. The voting was as follows:

In favour: Algeria, Argentina, Bangladesh, Benin, Bhutan, Cape Verde, Chile, China, Colombia, Cuba, Egypt, Ethiopia, Guinea, India, Indonesia, Malaysia, Mexico, Mozambique, Nepal, Pakistan, Philippines, Republic of Korea, South Africa, Sri Lanka, Uganda, Zimbabwe.

Against: United States of America.

Abstaining: Angola, Austria, Belarus, Brazil, Bulgaria, Canada, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, France, Germany, Ireland, Italy, Japan, Madagascar, Netherlands, Nicaragua, Russian Federation, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay.

71. The delegation of Gabon later advised the Secretariat that, had it been present, it would have voted in favour of the draft resolution.

72. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/2.

Israeli settlements in the occupied Arab territories

73. The representative of the Netherlands introduced draft resolution E/CN.4/1997/L.6, sponsored by Australia, Austria, Belgium, Bulgaria, Cyprus, the Czech Republic, Denmark, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Japan, Liechtenstein, Luxembourg, Malta, the Netherlands, Portugal, Romania, Slovakia, Spain, Sweden, Switzerland and the United Kingdom of Great Britain and Northern Ireland. Jordan, Nepal and New Zealand subsequently joined the sponsors.

74. Statements in explanation of vote before the vote were made by the representatives of Algeria, Egypt, Mexico and the United States of America.

75. The representative of the United States of America requested a vote. At the request of the representative of Egypt, a roll-call vote was taken on the draft resolution, which was adopted by 47 votes to 1, with 2 abstentions. The voting was as follows:

In favour: Algeria, Angola, Argentina, Austria, Bangladesh, Belarus, Benin, Bhutan, Brazil, Bulgaria, Canada, Cape Verde, Chile, China, Colombia, Cuba, Czech Republic, Denmark, Ecuador, Egypt, El Salvador, Ethiopia, France, Germany, Guinea, India, Indonesia, Ireland, Italy, Japan, Madagascar, Malaysia, Mexico, Mozambique, Nepal, Netherlands, Nicaragua, Pakistan, Philippines, Republic of Korea, Russian Federation, South Africa, Sri Lanka, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, Zimbabwe.

Against: United States of America.

Abstaining: Dominican Republic, Uruguay.

76. The delegation of Gabon later advised the Secretariat that, had it been present, it would have voted in favour of the draft resolution.

77. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/3.

V. QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING:

(a) PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; FOREIGN DEBT, ECONOMIC ADJUSTMENT POLICIES AND THEIR EFFECTS ON THE FULL ENJOYMENT OF HUMAN RIGHTS AND, IN PARTICULAR, ON THE IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT;

(b) THE EFFECTS OF THE EXISTING UNJUST INTERNATIONAL ECONOMIC ORDER ON THE ECONOMIES OF THE DEVELOPING COUNTRIES, AND THE OBSTACLE THAT THIS REPRESENTS FOR THE IMPLEMENTATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS.

78. The Commission considered agenda item 5 concurrently with item 6 (see chap. VI) at its 13th to 18th meetings, from 18 to 21 March, at its 36th meeting, on 3 April, at its 56th meeting, on 11 April, and at its 63rd meeting, on 15 April 1997. 1/

79. For the documents issued under agenda item 5, see annex IV to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairman's statements, by agenda item, see annex V to the present report.

80. At the 14th meeting, on 19 March 1997, the Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes, Ms. Fatma Zohra Ksentini, introduced her report (E/CN.4/1997/19). At the 18th meeting, on 21 March 1997, the Special Rapporteur made her concluding remarks.

81. At the 16th meeting, on 20 March 1997, the Chairperson-Rapporteur of the open-ended working group on structural adjustment programmes and economic, social and cultural rights, Ms. Lilia R. Bautista, introduced the report of the working group on its first session (E/CN.4/1997/20).

82. At the 17th meeting, on 20 March 1997, the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on human rights and extreme poverty, Mr. Leandro Despouy, introduced his final report (E/CN.4/Sub.2/1996/13), on the understanding that this did not create a precedent for special rapporteurs of the Sub-Commission and that there were no financial implications.

83. In the general debate on agenda item 5, statements 2/ were made by the following members of the Commission: Algeria (17th), Angola (18th), Argentina (15th), Bangladesh (16th), Bhutan (18th), Brazil (16th), Canada (16th), Chile (16th), China (14th), Cuba (14th), Ecuador (16th), Egypt (15th), El Salvador (18th), India (16th), Japan (14th), Malaysia (18th),

Mexico (15th), Nepal (16th), Netherlands (on behalf of the European Union, Bulgaria, Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia, Slovenia) (14th), Nicaragua (18th), Pakistan (16th), Republic of Korea (15th), Russian Federation (17th), South Africa (14th), Uganda (16th), Uruguay (16th), Zimbabwe (18th).

84. The Commission heard statements by the observers for: Armenia (16th), Costa Rica (15th), Honduras (13th), Iraq (16th), Libyan Arab Jamahiriya (16th), Marshall Islands (13th), Norway (18th), Poland (16th), Swaziland (13th), Tunisia (16th), Yemen (14th).

85. Statements were also made by the observers for the Food and Agriculture Organization of the United Nations (16th) and the United Nations Centre for Human Settlements (Habitat) (13th).

86. The Commission also heard statements by the following non-governmental organizations: African Association of Education for Development (17th), American Association of Jurists (16th), Centre Europe-Tiers Monde (14th), Christian Democrat International (17th), Himalayan Research and Cultural Foundation (14th), Human Rights Advocates, Inc. (13th), Indian Council of Education (17th), Indigenous World Association (15th), International Association of Democratic Lawyers (17th), International Educational Development, Inc. (15th), International Federation of Social Workers (14th), International Federation Terre des Hommes (14th), International Indian Treaty Council (15th), International Islamic Federation of Student Organizations (18th), International League for the Rights and Liberation of Peoples (17th), International Movement ATD Fourth World (17th), International Organization for the Development of Freedom of Education (15th), International Progress Organization (13th), Liberation (17th), Minority Rights Group (13th), Pax Christi International (17th), Pax Romana (13th), Sierra Club Legal Defense Fund, Inc. (15th), Transnational Radical Party (15th), United Towns Agency for North-South Cooperation (joint statement with International Association of Educators for World Peace) (14th), War Resisters' International (15th), Women's International Democratic Federation (17th), Women's International League for Peace and Freedom (17th), World Muslim Congress (17th), World Organization against Torture (17th), World Peace Council (15th).

87. Statements in exercise of the right of reply or its equivalent were made by the representatives of Mexico (17th) and the Philippines (17th) and by the observers for Armenia (17th) and Azerbaijan (17th).

Human rights and unilateral coercive measures

88. At the 36th meeting, on 3 April 1997, the representative of Colombia introduced draft resolution E/CN.4/1997/L.13, sponsored by China and Colombia (on behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries). Equatorial Guinea subsequently joined the sponsors.

89. A statement in explanation of vote before the vote was made by the representative of the United States of America.

90. At the request of the representative of the United States of America, a roll-call vote was taken on the draft resolution, which was adopted by 37 votes to 8, with 7 abstentions. The voting was as follows:

In favour: Algeria, Angola, Argentina, Bangladesh, Belarus, Benin, Bhutan, Brazil, Cape Verde, Chile, China, Colombia, Cuba, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Gabon, Guinea, India, Indonesia, Madagascar, Malaysia, Mexico, Mozambique, Nepal, Nicaragua, Pakistan, Philippines, Russian Federation, South Africa, Sri Lanka, Uganda, Uruguay, Zaire, Zimbabwe.

Against: Bulgaria, Canada, Germany, Japan, Netherlands, Republic of Korea, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Austria, Czech Republic, Denmark, France, Ireland, Italy, Ukraine.

91. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/7.

Human rights and the environment

92. At the 36th meeting, on 3 April 1997, the Commission considered draft decision E/CN.4/1997/L.19, sponsored by Ukraine. Equatorial Guinea and Venezuela subsequently joined the sponsor.

93. The draft decision was adopted without a vote. For the text of the decision as adopted, see chapter II, section B, decision 1997/102.

The right to food

94. At the 36th meeting, on 3 April 1997, the representative of Cuba introduced draft resolution E/CN.4/1997/L.21/Rev.1, sponsored by Angola, Bangladesh, Benin, Cameroon, China, Colombia, Cuba, the Democratic People's Republic of Korea, the Dominican Republic, El Salvador, Ethiopia, France, Guatemala, Haiti, Iran (Islamic Republic of), Iraq, Ireland, Italy, Madagascar, Nicaragua, Nigeria, Pakistan, Papua New Guinea, Portugal, Rwanda, Senegal, South Africa, Swaziland, the Syrian Arab Republic, Uganda, Viet Nam and Yemen. Algeria, Canada, Denmark, Egypt, Equatorial Guinea, the Libyan Arab Jamahiriya, Mozambique, Nepal, Norway, Peru, Togo, the United Republic of Tanzania and Venezuela subsequently joined the sponsors.

95. Statements in explanation of vote before the vote were made by the representatives of Argentina and the United States of America.

96. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/8.

Adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights

97. At the 36th meeting, on 3 April 1997, the representative of Egypt introduced draft resolution E/CN.4/1997/L.22, sponsored by Egypt (on behalf of the Group of African States). Equatorial Guinea subsequently joined the sponsors.

98. Statements in explanation of vote before the vote were made by the representatives of Denmark, the Netherlands and the United States of America.

99. At the request of the representative of the United States of America, a roll-call vote was taken on the draft resolution, which was adopted by 32 votes to 12, with 8 abstentions. The voting was as follows:

In favour: Algeria, Angola, Argentina, Bangladesh, Benin, Bhutan, Brazil, Cape Verde, Chile, China, Colombia, Cuba, Ecuador, Egypt, El Salvador, Ethiopia, Gabon, Guinea, India, Indonesia, Madagascar, Mexico, Mozambique, Nepal, Nicaragua, Pakistan, South Africa, Sri Lanka, Uganda, Uruguay, Zaire, Zimbabwe.

Against: Austria, Canada, Denmark, France, Germany, Italy, Japan, Netherlands, Russian Federation, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Belarus, Bulgaria, Czech Republic, Dominican Republic, Ireland, Malaysia, Philippines, Republic of Korea.

100. Statements in explanation of vote after the vote were made by the representatives of Japan and the Philippines.

101. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/9.

Effects on the full enjoyment of human rights of the economic adjustment policies arising from foreign debt and, in particular, on the implementation of the Declaration on the Right to Development

102. At the 36th meeting, on 3 April 1997, the representative of Cuba introduced draft resolution E/CN.4/1997/L.23, sponsored by Angola, Benin, Cameroon, China, Cuba, the Democratic People's Republic of Korea, Egypt, Haiti, Iran (Islamic Republic of), Iraq, Madagascar, Mozambique, Nigeria, Swaziland, the Syrian Arab Republic, Uganda, Viet Nam and Yemen. Algeria, Equatorial Guinea, Gabon, Ghana, the Sudan, Togo, the United Republic of Tanzania, Venezuela and Zimbabwe subsequently joined the sponsors.

103. At the request of the representative of the United Kingdom of Great Britain and Northern Ireland, a roll-call vote was taken on the draft resolution, which was adopted by 34 votes to 15, with 3 abstentions. The voting was as follows:

In favour: Algeria, Angola, Argentina, Bangladesh, Benin, Bhutan, Brazil, Cape Verde, Chile, China, Colombia, Cuba, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Gabon, Guinea, India, Indonesia, Madagascar, Malaysia, Mexico, Mozambique, Nepal, Nicaragua, Pakistan, South Africa, Sri Lanka, Uganda, Uruguay, Zaire, Zimbabwe.

Against: Austria, Belarus, Bulgaria, Canada, Denmark, France, Germany, Ireland, Italy, Japan, Netherlands, Russian Federation, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Czech Republic, Philippines, Republic of Korea.

104. Statements in explanation of vote after the vote were made by the representatives of Japan and the Philippines.

105. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/10.

Human rights and extreme poverty

106. At the 36th meeting, on 3 April 1997, the representative of France introduced draft resolution E/CN.4/1997/L.24, sponsored by Afghanistan, Algeria, Angola, Argentina, Austria, Bangladesh, Belgium, Benin, Cameroon, Chile, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Denmark, the Dominican Republic, Egypt, El Salvador, Ethiopia, Finland, France, Germany, Greece, Guatemala, Haiti, Ireland, Italy, Madagascar, Mozambique, Nepal, Nicaragua, Papua New Guinea, Peru, Poland, Portugal, the Russian Federation, Rwanda, San Marino, Slovakia, South Africa, Spain, Switzerland, Uganda and Venezuela. Australia, Bhutan, Brazil, Bulgaria, Cape Verde, the Czech Republic, Ecuador, Equatorial Guinea, Honduras, Mexico, Mongolia, Norway, the Philippines, the Republic of Korea, Romania, Senegal, Sweden, Togo, Ukraine and Uruguay subsequently joined the sponsors.

107. The representative of France orally revised the draft resolution by inserting, after operative paragraph 7 (e), a new subparagraph reading as follows:

> "Submit to the Commission at its fifty-fourth session, in accordance with agreed conclusions 1996/1 of the Economic and Social Council, a report, to be prepared by the Centre for Human Rights and the Division for the Advancement of Women, on the obstacles encountered and progress achieved in the field of women's rights relating to economic resources, the elimination of poverty and economic development, in particular for women living in extreme poverty;"

108. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/11.

109. In view of the adoption of resolution 1997/11, the Commission took no action on draft decision 3 recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission (see E/CN.4/1997/2-E/CN.4/Sub.2/1996/41, chap. I).

Effects of structural adjustment policies on the full enjoyment of human rights

110. At the 36th meeting, on 3 April 1997, the representative of the Philippines introduced draft decision E/CN.4/1997/L.27, sponsored by the Philippines. Equatorial Guinea subsequently joined the sponsor.

111. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft decision.

112. At the request of the representative of the United Kingdom of Great Britain and Northern Ireland, a roll-call vote was taken on the draft decision, which was adopted by 36 votes to 13, with 3 abstentions. The voting was as follows:

In favour: Algeria, Angola, Argentina, Bangladesh, Benin, Bhutan, Brazil, Cape Verde, Chile, China, Colombia, Cuba, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Gabon, Guinea, India, Indonesia, Madagascar, Malaysia, Mexico, Mozambique, Nepal, Nicaragua, Pakistan, Philippines, Republic of Korea, South Africa, Sri Lanka, Uganda, Uruguay, Zaire, Zimbabwe.

Against: Austria, Belarus, Bulgaria, Canada, France, Germany, Italy, Japan, Netherlands, Russian Federation, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Czech Republic, Denmark, Ireland.

113. For the text of the decision as adopted, see chapter II, section B, decision 1997/103.

Human rights and income distribution

114. At its 36th meeting, on 3 April 1997, the Commission considered draft decision 4 recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission (see E/CN.4/1997/2-E/CN.4/Sub.2/1996/41, chap. I).

115. At the request of the representative of Germany, consideration of the draft decision was postponed.

116. At its 63rd meeting, on 15 April 1997, the Commission resumed consideration of draft decision 4.

117. The amendments to the draft decision proposed by the representative of the Netherlands (on behalf of the European Union) (E/CN.4/1997/L.104) were adopted without a vote.

118. The draft decision, as amended, was adopted without a vote. For the text of the decision as adopted, see chapter II, section B, decision 1997/115.

Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights

119. At the 56th meeting, on 11 April 1997, the Observer for Portugal introduced draft resolution E/CN.4/1997/L.26/Rev.1, sponsored by Belarus, Belgium, Bulgaria, Chile, the Czech Republic, Denmark, Equatorial Guinea, Finland, France, Germany, Greece, Italy, Luxembourg, Madagascar, Malta, Mexico, Nepal, Norway, Peru, Poland, Portugal, Romania, the Russian Federation, Slovakia, South Africa, Spain, Switzerland, Uganda, Ukraine and Venezuela. Australia, Austria, Canada, Cape Verde, India, Ireland, the Philippines, Sweden and Uruguay subsequently joined the sponsors.

120. A statement in explanation of vote before the vote was made by the representative of the United States of America.

121. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/17.

VI. QUESTION OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT

122. The Commission considered agenda item 6 concurrently with item 5 (see chap. V) at its 13th to 18th meetings, from 18 to 21 March, and at its 67th meeting, on 16 April 1997. 1/

123. For the documents issued under agenda item 6, see annex IV to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairman's statements, by agenda item, see annex V to the present report.

124. At the 14th meeting, on 19 March 1997, the Chairman-Rapporteur of the Intergovernmental Group of Experts on the Right to Development, Mr. Krzysztof Drzewicki, introduced the report of the Intergovernmental Group of Experts on its first session (E/CN.4/1997/22).

125. In the general debate on agenda item 6, statements 2/ were made by the following members of the Commission: Algeria (17th), Argentina (18th), Bangladesh (18th), Bhutan (18th), Brazil (16th), Canada (16th), Chile (16th), China (14th), Colombia (15th), Cuba (17th), Ecuador (16th), Egypt (15th), El Salvador (18th), India (16th), Indonesia (18th), Japan (14th), Malaysia (18th), Mexico (15th), Nepal (16th), Netherlands (on behalf of the European Union, Bulgaria, Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia, Slovenia) (14th), Nicaragua (18th), Pakistan (16th), Republic of Korea (15th), Russian Federation (17th), South Africa (18th), Uganda (16th), United States of America (17th), Zimbabwe (18th).

126. The Commission heard statements by the observers for: Armenia (16th), Costa Rica (15th), Iran (Islamic Republic of) (15th), Morocco (16th), Norway (18th), Poland (16th), Senegal (16th), Tunisia (16th), Venezuela (13th), Yemen (14th).

127. A statement was also made by the Observer for the Food and Agriculture Organization of the United Nations (16th).

128. The Commission also heard statements by the following non-governmental organizations: American Association of Jurists (16th), Centre Europe-Tiers Monde (14th), Indigenous World Association (15th), International Educational Development, Inc. (15th), International Federation of Rural Adult Catholic Movements (14th), International Indian Treaty Council (15th), International Institute for Non-Aligned Studies (14th), International Islamic Federation of Student Organizations (18th), International Organization for the Development of Freedom of Education (15th), Liberation (17th), Pax Romana (13th), World Muslim Congress (17th), World Peace Council (15th).

Right to development

129. At the 67th meeting, on 16 April 1997, the representative of Colombia introduced draft resolution E/CN.4/1997/L.25/Rev.1, sponsored by Argentina, Australia, Belarus, Brazil, Bulgaria, China, Colombia (on behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries), Costa Rica, Cyprus, Denmark, the Dominican Republic, El Salvador,

France, Germany, Greece, Ireland, Italy, Portugal, the Russian Federation, Spain and Uruguay. Belgium, Ecuador, Finland, Poland, Slovenia, the former Yugoslav Republic of Macedonia and Venezuela subsequently joined the sponsors.

130. The draft resolution was orally revised by the representative of Colombia as follows:

(a) The penultimate preambular paragraph, which read:

> "*Mindful* of the close relationship between disarmament and development, that progress in the field of disarmament would considerably promote progress in the field of development and that resources released through disarmament measures should be devoted to the economic and social development and well-being of all peoples and, in particular, those of the developing countries,"

was deleted;

(b) In operative paragraph 3, after "at all levels", a comma was inserted;

(c) After operative paragraph 12, the heading "Working Group of Intergovernmental Experts" was deleted.

131. A statement in connection with the draft resolution, as orally revised, was made by the representative of Egypt.

132. A statement in explanation of vote before the vote was made by the representative of the United States of America.

133. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/72.

VII. THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION

134. The Commission considered agenda item 7 concurrently with item 4 (see chap. IV) at its 3rd to 9th meetings, from 11 to 14 March, and at its 26th meeting, on 26 March 1997. 1/

135. For the documents issued under agenda item 7, see annex IV to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairman's statements, by agenda item, see annex V to the present report.

136. At the 7th meeting, on 13 March 1997, the Special Rapporteur on the question of the use of mercenaries, Mr. Enrique Bernales Ballesteros, introduced his report (E/CN.4/1997/24).

137. In the general debate on agenda item 7, statements 2/ were made by the following members of the Commission: Algeria (8th), Angola (8th), Bangladesh (7th), China (6th), Cuba (6th), Egypt (5th), India (6th), Indonesia (on behalf of the Organization of the Islamic Conference, 6th) (8th), Nicaragua (8th), Pakistan (6th), Republic of Korea (5th), Russian Federation (8th), Sri Lanka (8th).

138. The Commission heard statements by the observers for: Armenia (6th), Azerbaijan (8th), Iran (Islamic Republic of) (8th), Iraq (7th), Jordan (5th), Morocco (8th), Norway (6th), Portugal (7th), Swaziland (4th). The Observer for Palestine also made a statement (8th).

139. The Commission also heard statements by the following non-governmental organizations: Afro-Asian Peoples' Solidarity Organization (7th), Centre Europe-Tiers Monde (5th), Christian Solidarity International (9th), France-Libertés: Fondation Danielle Mitterrand (5th), Himalayan Research and Cultural Foundation (7th), Indigenous World Association (6th), International Association of Democratic Lawyers (6th), International Educational Development, Inc. (6th), International Human Rights Association of American Minorities (9th), International Indian Treaty Council (9th), International Institute for Peace (9th), International Islamic Federation of Student Organizations (9th), International League for the Rights and Liberation of Peoples (7th), Liberation (6th), Movement against Racism and for Friendship among Peoples (6th), Pax Christi International (5th), Society for Threatened Peoples (9th), Transnational Radical Party (5th), World Muslim Congress (6th), World Peace Council (9th).

140. Statements in exercise of the right of reply or its equivalent were made by the representatives of Algeria (9th), China (9th), Indonesia (9th), Mexico (9th) and Zaire (9th) and by the observers for Armenia (7th, 9th), Azerbaijan (7th, 9th), Morocco (7th, 9th) and Portugal (9th).

141. At its 26th meeting, on 26 March 1997, the Commission took up consideration of the draft resolutions submitted under agenda item 7.

Situation in occupied Palestine

142. The representative of Egypt introduced draft resolution E/CN.4/1997/L.4, sponsored by Algeria, Bahrain, Bangladesh, China, Cuba, Egypt, Indonesia, Jordan, Malaysia, Morocco, Oman, Pakistan, Qatar, Saudi Arabia, Tunisia and Yemen. Mauritania, South Africa, the Sudan and the United Arab Emirates subsequently joined the sponsors.

143. Statements in explanation of vote before the vote were made by the representatives of the Netherlands (on behalf of the European Union) and the United States of America.

144. At the request of the representative of the United States of America, a roll-call vote was taken on the draft resolution, which was adopted by 28 votes to 1, with 21 abstentions. The voting was as follows:

In favour: Algeria, Angola, Bangladesh, Benin, Bhutan, Brazil, Cape Verde, Chile, China, Colombia, Cuba, Egypt, Ethiopia, Guinea, India, Indonesia, Madagascar, Malaysia, Mexico, Mozambique, Nepal, Pakistan, Philippines, Republic of Korea, South Africa, Sri Lanka, Uganda, Zimbabwe.

Against: United States of America.

Abstaining: Argentina, Austria, Belarus, Bulgaria, Canada, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, France, Germany, Ireland, Italy, Japan, Netherlands, Nicaragua, Russian Federation, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay.

145. The delegation of Gabon later advised the Secretariat that, had it been present, it would have voted in favour of the draft resolution.

146. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/4.

Question of Western Sahara

147. The Chairman introduced draft resolution E/CN.4/1997/L.7, submitted by the Chairman.

148. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/5.

Middle East peace process

149. The representative of the United States of America introduced draft resolution E/CN.4/1997/L.8, sponsored by Austria, Belgium, Denmark, Finland, Germany, Iceland, the Netherlands, Norway, the Republic of Korea, Romania, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Argentina, Australia, Bulgaria, Canada,

the Czech Republic, the Dominican Republic, Hungary, Israel, Italy, Japan, Liechtenstein, Luxembourg, Madagascar, Nepal, New Zealand, Portugal, Spain and Ukraine subsequently joined the sponsors.

150. Statements in connection with the draft resolution were made by the representatives of Algeria and Egypt and by the observers for Israel and Palestine.

151. The draft resolution was adopted without a vote.

152. The representative of France made a statement in connection with the resolution after its adoption.

153. The delegation of Gabon later advised the Secretariat that, had it been present, it would have voted in favour of the draft resolution.

154. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/6.

VIII. QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR:

(a) TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT;

(b) STATUS OF THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT;

(c) QUESTION OF ENFORCED OR INVOLUNTARY DISAPPEARANCES;

(d) QUESTION OF A DRAFT OPTIONAL PROTOCOL TO THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

155. The Commission considered agenda item 8 and sub-items (a)-(d) at its 25th to 31st meetings, from 26 March to 1 April, at its 56th and 57th meetings, on 11 April, and at its 63rd and 64th meetings, on 15 April 1997. [1]

156. For the documents issued under agenda item 8 and sub-items (a)-(d), see annex IV to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairman's statements, by agenda item, see annex V to the present report.

157. At the 25th meeting, on 26 March 1997, the Chairman-Rapporteur of the Working Group on Arbitrary Detention, Mr. Louis Joinet, introduced the report of the Working Group (E/CN.4/1997/4 and Add.1-3). At the 31st meeting, on 1 April 1997, the Chairman-Rapporteur made his concluding remarks.

158. Also at the 25th meeting, the Special Rapporteur on the independence of judges and lawyers, Mr. Param Cumaraswamy, introduced his report (E/CN.4/1997/32).

159. At the 28th meeting, on 27 March 1997, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Mr. Abid Hussain, introduced his report (E/CN.4/1997/31 and Add.1).

160. In the general debate on agenda item 8, statements [2] were made by the following members of the Commission: Argentina (28th), Austria (29th), Bhutan (29th), Brazil (29th), Chile (28th), Cuba (26th), Egypt (28th), India (30th), Indonesia (30th), Mexico (30th), Netherlands (on behalf of the European Union, Bulgaria, Cyprus, Czech Republic, Estonia, Hungary, Iceland, Latvia, Lithuania, Norway, Poland, Romania, Slovakia, Slovenia) (26th), Pakistan (30th), Republic of Korea (30th), Russian Federation (30th), Sri Lanka (30th), Uganda (30th), United States of America (29th), Uruguay (30th).

161. The Commission heard statements by the observers for: Bahrain (26th), Cameroon (27th), Iran (Islamic Republic of) (31st), Norway (29th), Peru (26th), Poland (27th), Turkey (27th). The Observer for Switzerland also made a statement (29th).

162. The Commission also heard statements by the following non-governmental organizations: Afro-Asian Peoples' Solidarity Organization (27th), American Association of Jurists (29th), Andean Commission of Jurists (27th), Arab Organization for Human Rights (27th), Article XIX: The International Centre against Censorship (27th), Center for Justice and International Law (29th), Centre Europe-Tiers Monde (29th), Commission of the Churches on International Affairs of the World Council of Churches (29th), France-Libertés: Fondation Danielle Mitterrand (27th), Franciscans International (29th), International Association against Torture (29th), International Association of Democratic Lawyers (29th), International Association of Educators for World Peace (28th), International Commission of Jurists (27th), International Educational Development, Inc. (27th), International Falcon Movement-Socialist Educational International (31st), International Federation of Human Rights Leagues (29th), International Federation of Journalists (28th), International Human Rights Association of American Minorities (29th), International Indian Treaty Council (31st), International Islamic Federation of Student Organizations (30th), International League for the Rights and Liberation of Peoples (28th), International Movement for Fraternal Union among Races and Peoples (27th), International Peace Bureau (29th), International PEN (28th), International Prison Watch (27th), International Progress Organization (29th), International Rehabilitation Council for Torture Victims (27th), Latin American Federation of Associations of Relatives of Disappeared Detainees (27th), Liberation (27th), Movement against Racism and for Friendship among Peoples (31st), Pax Christi International (27th), Pax Romana (27th), Society for Threatened Peoples (30th), Transnational Radical Party (29th), War Resisters' International (27th), Women's International Democratic Federation (27th), World Federation of Democratic Youth (31st), World Muslim Congress (30th), World Organization against Torture (27th).

163. Statements in exercise of the right of reply or its equivalent were made by the representatives of Chile (31st), China (31st), Ethiopia (31st), Malaysia (31st) and Nepal (31st) and by the observers for Bahrain (31st), Tunisia (31st), Turkey (31st), Viet Nam (28th) and Yemen (28th).

(a) Torture and other cruel, inhuman or degrading treatment or punishment

164. At the 25th meeting, on 26 March 1997, the Special Rapporteur on the question of torture, Mr. Nigel S. Rodley, introduced his report (E/CN.4/1997/7 and Add.1-3 and Add.3/Corr.1).

165. At the 28th meeting, on 27 March 1997, Mr. Ivan Tosevski, on behalf of the Chairman of the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture, introduced the report of the Secretary-General on the Voluntary Fund (E/CN.4/1997/27 and Add.1).

166. In the general debate on agenda item 8 (a), statements 2/ were made by the following members of the Commission: Argentina (28th), Austria (29th), Chile (28th), China (28th), Denmark (29th), India (30th), Mexico (30th), Pakistan (30th), Republic of Korea (30th), Russian Federation (30th), Sri Lanka (30th), United States of America (29th).

167. The Commission heard statements by the observers for: Cameroon (27th), Poland (27th), Senegal (29th), Slovakia (28th), Sudan (28th), Turkey (27th), and Venezuela (28th). The Observer for Switzerland also made a statement (29th).

168. The Commission also heard statements by the following non-governmental organizations: African Commission of Health and Human Rights Promoters (29th), Afro-Asian Peoples' Solidarity Organization (27th), Asian Cultural Forum on Development (30th), Centre Europe-Tiers Monde (29th), Friends World Committee for Consultation (Quakers) (27th), International Association against Torture (29th), International Association of Democratic Lawyers (29th), International Association of Educators for World Peace (28th), International Commission of Jurists (27th), International Educational Development, Inc. (27th), International Federation of Human Rights Leagues (29th), International Human Rights Association of American Minorities (29th), International Indian Treaty Council (31st), International Islamic Federation of Student Organizations (30th), International League for the Rights and Liberation of Peoples (28th), International Prison Watch (27th), International Progress Organization (29th), Latin American Federation of Associations of Relatives of Disappeared Detainees (27th), Liberation (27th), Movement against Racism and for Friendship among Peoples (31st), Pax Christi International (27th), Pax Romana (27th), Society for Threatened Peoples (30th), United Towns Agency for North-South Cooperation (28th), War Resisters' International (27th), Women's International Democratic Federation (27th), World Federation of Democratic Youth (31st), World Muslim Congress (30th), World Organization against Torture (27th), World Society of Victimology (31st).

169. A statement in exercise of the right of reply was made by the representative of Nepal (31st).

(b) Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

170. In the general debate on agenda item 8 (b), statements 2/ were made by the following members of the Commission: Argentina (28th), China (28th), India (30th), Republic of Korea (30th), Russian Federation (30th).

171. The Commission heard statements by the observers for: Senegal (29th), Slovakia (28th).

172. The Commission also heard a statement by the following non-governmental organization: Asian Cultural Forum on Development (30th).

(c) Question of enforced or involuntary disappearances

173. At the 25th meeting, on 26 March 1997, the Chairman-Rapporteur of the Working Group on Enforced or Involuntary Disappearances, Mr. Ivan Tosevski, introduced the report of the Working Group (E/CN.4/1997/34).

174. At the same meeting, the expert member of the Working Group responsible for the special process on missing persons in the territory of the former Yugoslavia, Mr. Manfred Nowak, introduced his report (E/CN.4/1997/55 and Corr.1).

175. In the general debate on agenda item 8 (c), statements 2/ were made by the following members of the Commission: Angola (28th), Argentina (28th), Chile (28th), Indonesia (30th), Mexico (30th), Pakistan (30th), Sri Lanka (30th).

176. The Commission heard statements by the observers for: Bosnia and Herzegovina (25th), Croatia (25th), Cyprus (27th), Sudan (28th). The Observer for Switzerland also made a statement (29th).

177. The Commission also heard statements by the following non-governmental organizations: African Association of Education for Development (31st), American Association of Jurists (29th), Asian Cultural Forum on Development (30th), Centre Europe-Tiers Monde (29th), Himalayan Research and Cultural Foundation (27th), International Association of Democratic Lawyers (29th), International Educational Development, Inc. (27th), International Human Rights Association of American Minorities (29th), International Institute for Peace (27th), International Islamic Federation of Student Organizations (30th), Latin American Federation of Associations of Relatives of Disappeared Detainees (27th), Liberation (27th), Movement against Racism and for Friendship among Peoples (31st), Society for Threatened Peoples (30th), World Federation of Democratic Youth (31st), World Muslim Congress (30th), World Society of Victimology (31st).

178. Statements in exercise of the right of reply or its equivalent were made by the representative of the Philippines (31st) and by the Observer for Morocco (31st).

(d) Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

179. At the 26th meeting, on 26 March 1997, the Chairman-Rapporteur of the working group on the draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Mr. Carlos Vargas Pizarro, introduced the report of the working group (E/CN.4/1997/33 and Add.1).

180. In the general debate on agenda item 8 (d), statements 2/ were made by the following members of the Commission: Chile (28th), China (28th), Ecuador (28th), Russian Federation (30th).

181. The Commission heard statements by the observers for: Poland (27th), Slovakia (28th). The Observer for Switzerland also made a statement (29th).

Human rights in the administration of justice, particularly with respect to children and juveniles in detention

182. At the 56th meeting, on 11 April 1997, the representative of Austria introduced draft decision E/CN.4/1997/L.32, sponsored by Austria. Belgium, the Czech Republic, Equatorial Guinea and Romania subsequently joined the sponsor.

183. The draft decision was adopted without a vote. For the text of the decision as adopted, see chapter II, section B, decision 1997/106.

Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

184. At the 56th meeting, on 11 April 1997, the Observer for Hungary introduced draft resolution E/CN.4/1997/L.49, sponsored by Argentina, Australia, Austria, Belgium, Benin, Bulgaria, Canada, Cape Verde, Chile, the Czech Republic, Denmark, El Salvador, Finland, France, Germany, Greece, Haiti, Honduras, Hungary, Ireland, Italy, Lithuania, Luxembourg, Madagascar, Nepal, the Netherlands, Norway, Poland, Portugal, the Republic of Korea, Romania, the Russian Federation, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and Uruguay. The Dominican Republic, Equatorial Guinea, Liechtenstein, Mali, Senegal, Togo and the United States of America subsequently joined the sponsors.

185. The Observer for Hungary orally revised the draft resolution by inserting, in the seventh preambular paragraph, after "Treatment of Offenders,", the words "held at Cairo from 29 April to 8 May 1995,".

186. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

187. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/23.

Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

188. At the 56th meeting, on 11 April 1997, the Observer for Costa Rica introduced draft resolution E/CN.4/1997/L.50, sponsored by Argentina, Austria, Benin, Bosnia and Herzegovina, Brazil, Bulgaria, Chile, Costa Rica, Cyprus, the Czech Republic, Denmark, the Dominican Republic, El Salvador, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, Italy, Liechtenstein, Luxembourg, Mexico, the Netherlands, Nicaragua, Norway, Peru, Poland, Portugal, Romania, the Russian Federation, Senegal, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Ukraine, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Uruguay and Venezuela. Belarus, Canada, Colombia, Ecuador, Equatorial Guinea and Estonia subsequently joined the sponsors.

189. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

190. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/24.

Torture and other cruel, inhuman or degrading treatment or punishment

191. At the 56th meeting, on 11 April 1997, the representative of Denmark introduced draft resolution E/CN.4/1997/L.51, sponsored by Argentina, Australia, Austria, Belgium, Canada, Chile, Cyprus, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Liechtenstein, Lithuania, Luxembourg, Malta, the Netherlands, Norway, the Republic of Korea, Romania, the Russian Federation, San Marino, Senegal, Slovakia, Slovenia, Spain, Switzerland, Ukraine and the United Kingdom of Great Britain and Northern Ireland. Belarus, Bulgaria, Costa Rica, Latvia, Madagascar, New Zealand, Poland, Portugal, South Africa, Sweden, the United States of America and Venezuela subsequently joined the sponsors.

192. The representative of Denmark orally revised the draft resolution by deleting, in operative paragraph 27, the words "especially those mentioned by the Special Rapporteur in his report,".

193. A statement in connection with the draft resolution, as orally revised, was made by the representative of China, who called for a roll-call vote on operative paragraph 18.

194. The representative of Egypt proposed replacing the words "Commends the Special Rapporteur on his report", in operative paragraph 18, by "Takes note of the report of the Special Rapporteur".

195. Statements in connection with the draft resolution, the amendment proposed by Egypt and the proposal made by China were made by the representatives of Algeria, Brazil, Canada, China, Cuba, Nepal and the United Kingdom of Great Britain and Northern Ireland.

196. Statements in explanation of vote before the vote were made by the representatives of Algeria and Brazil.

197. At the request of the representative of Cuba, consideration of the draft resolution was postponed.

198. At its 57th meeting, on 11 April 1997, the Commission resumed consideration of draft resolution E/CN.4/1997/L.51.

199. The representative of Denmark orally revised the draft resolution by replacing the words "on his report", in operative paragraph 18, by "for his work as reflected in his report".

200. A statement in connection with the draft resolution, as orally revised, was made by the representative of China.

201. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/38.

United Nations staff

202. At the 56th meeting, on 11 April 1997, the Observer for Portugal introduced draft resolution E/CN.4/1997/L.53, sponsored by Argentina, Austria, Belgium, Brazil, Bulgaria, Canada, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Luxembourg, Peru, the Philippines, Portugal, the Republic of Korea, the Russian Federation, San Marino, Slovakia, Spain and Sweden. Australia, Egypt, Liechtenstein, Madagascar, Malta, the Netherlands, New Zealand, Norway, Poland, Ukraine, the United Kingdom of Great Britain and Northern Ireland and Uruguay subsequently joined the sponsors.

203. A statement in explanation of vote before the vote was made by the representative of Mexico.

204. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/25.

Question of enforced or involuntary disappearances

205. At the 57th meeting, on 11 April 1997, the representative of France introduced draft resolution E/CN.4/1997/L.54, sponsored by Angola, Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Chile, the Congo, Côte d'Ivoire, Cyprus, the Czech Republic, Denmark, the Dominican Republic, Estonia, Finland, France, Georgia, Germany, Greece, Guinea, Hungary, Ireland, Italy, Liechtenstein, Luxembourg, Madagascar, the Netherlands, New Zealand, Norway, Poland, Portugal, the Republic of Korea, Romania, San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Brazil, Cuba, Ecuador, Equatorial Guinea, Israel, the Russian Federation and Senegal subsequently joined the sponsors.

206. Statements in connection with the draft resolution were made by the representatives of Cuba and France.

207. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/26.

Right to freedom of opinion and expression

208. At the 57th meeting, on 11 April 1997, the representative of Canada introduced draft resolution E/CN.4/1997/L.56, sponsored by Argentina, Australia, Austria, Brazil, Bulgaria, Cameroon, Canada, Chile, Côte d'Ivoire, the Czech Republic, Denmark, Finland, France, Germany, Hungary, India, Ireland, Italy, Japan, Liechtenstein, Luxembourg, the Netherlands, Norway, Peru, Portugal, Slovakia, Sweden, Switzerland and the United Kingdom of Great Britain and Northern Ireland. Bangladesh, Colombia, the Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Greece, Madagascar, Nepal, New Zealand, Nicaragua, the Philippines, Poland, Romania, the Russian Federation, Togo, Uganda, Ukraine, the United States of America, Uruguay and Venezuela subsequently joined the sponsors.

209. The representative of Canada orally revised the draft resolution by deleting, at the end of operative paragraph 10, the words "and to consider whether such deterioration could signal a further weakening in the protection and enjoyment of human rights in a country".

210. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/27.

Hostage-taking

211. At the 57th meeting, on 11 April 1997, the Observer for Peru introduced draft resolution E/CN.4/1997/L.57, sponsored by Afghanistan, Argentina, Bolivia, Brazil, Canada, China, Colombia, Ecuador, El Salvador, Guatemala, Honduras, Japan, Peru, the Russian Federation, Turkey and Uruguay. Algeria, Australia, Bangladesh, Belarus, Bhutan, Chile, Costa Rica, Cyprus, Equatorial Guinea, the Dominican Republic, Greece, India, Indonesia, Iraq, Ireland, Israel, Italy, Madagascar, the Netherlands, Nicaragua, Nigeria, the Philippines, Poland, Portugal, the Republic of Korea, Spain, Sri Lanka, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Venezuela subsequently joined the sponsors.

212. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/28.

The right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms

213. At the 57th meeting, on 11 April 1997, the representative of Chile introduced draft resolution E/CN.4/1997/L.58, sponsored by Argentina, Austria, Bulgaria, Canada, Cape Verde, Chile, Colombia, Cuba, Denmark, the Dominican Republic, Ecuador, Estonia, Finland, France, Hungary, Italy, the Netherlands, Nicaragua, Poland, the Republic of Korea, Senegal, South Africa, Sweden, the United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela. Angola, Equatorial Guinea, Germany, Madagascar and the Philippines subsequently joined the sponsors.

214. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/29.

The right to a fair trial

215. At its 57th meeting, on 11 April 1997, the Commission considered draft decision 5 recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission (see E/CN.4/1997/2-E/CN.4/Sub.2/1996/41, chap. I).

216. The draft decision was adopted without a vote. For the text of the decision as adopted, see chapter II, section B, decision 1997/109.

Question of human rights and states of emergency

217. At its 57th meeting, on 11 April 1997, the Commission considered draft decision 6 recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission (see E/CN.4/1997/2-E/CN.4/Sub.2/1996/41, chap. I).

218. The draft decision was adopted without a vote. For the text of the decision as adopted, see chapter II, section B, decision 1997/110.

219. At the 64th meeting, on 15 April 1997, the representative of India made a statement in connection with draft decisions recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission.

Question of arbitrary detention

220. At the 58th meeting, on 11 April 1997, at the request of the representative of Cuba, consideration of draft resolution E/CN.4/1997/L.79 and the amendment thereto proposed by Cuba (E/CN.4/1997/L.99) was postponed.

221. Statements in connection with the postponement were made by the representatives of Brazil, Canada, China, Cuba, France, India, Mexico, the Netherlands and the United Kingdom of Great Britain and Northern Ireland.

222. At the 63th meeting, on 15 April 1997, the representative of France introduced draft resolution E/CN.4/1997/L.79, sponsored by Afghanistan, Argentina, Austria, Bangladesh, Belgium, Bulgaria, Canada, Chile, Colombia, Cyprus, the Czech Republic, Denmark, the Dominican Republic, El Salvador, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Liechtenstein, Luxembourg, Madagascar, Nepal, Norway, Poland, Portugal, Romania, the Russian Federation, Senegal, Slovakia, Spain, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and Uruguay. Angola and Ecuador subsequently joined the sponsors.

223. The representative of France orally revised the draft resolution by replacing the words "arbitrary detention", in operative paragraph 2 (d), by "arbitrary deprivation of liberty".

224. At the same meeting, the representative of Cuba introduced the amendment to draft resolution E/CN.4/1997/L.79 proposed by Cuba (E/CN.4/1997/L.99).

225. At the same meeting, the representative of France introduced sub-amendments proposed by France (E/CN.4/1997/L.108) to the amendment proposed by Cuba.

226. At the 64th meeting, on 15 April 1997, statements in connection with the draft resolution and the proposed amendment and sub-amendments were made by the representatives of Algeria, Cuba, France, Malaysia, Pakistan and Sri Lanka.

227. The amendment to draft resolution E/CN.4/1997/L.79 proposed by Cuba (E/CN.4/1997/L.99) was withdrawn. The proposed amendment read as follows:

> "Add the following text as a new final preambular paragraph:
>
> 'Bearing in mind that the determination of criteria to establish the respective competence and jurisdiction of the national courts in each country, as well as the specific provisions of national legislation corresponding to the international legal obligations entered into by each State, is a matter pertaining to the domestic sphere of State sovereignty,'."

228. The sub-amendments proposed by France (E/CN.4/1997/L.108) to the amendment proposed by Cuba were also withdrawn. The proposed sub-amendments read as follows:

> "Amend the proposed new preambular paragraph as follows:
>
> '1. Delete "corresponding to the international legal obligations entered into by each State";
>
> '2. Add at the end of the text proposed: "provided that it complies with the relevant international standards set forth in the Universal Declaration of Human Rights and the relevant international legal instruments it has accepted,"'."

229. The draft resolution, as orally revised, was adopted without a vote.

230. The representative of the United States of America made a statement in connection with the resolution after its adoption.

231. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/50.

IX. FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION:

(a) ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS;

(b) NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS;

(c) COORDINATING ROLE OF THE CENTRE FOR HUMAN RIGHTS WITHIN THE UNITED NATIONS BODIES AND MACHINERY DEALING WITH THE PROMOTION AND PROTECTION OF HUMAN RIGHTS;

(d) HUMAN RIGHTS, MASS EXODUSES AND DISPLACED PERSONS

232. The Commission considered agenda item 9 and sub-items (a)-(d) concurrently with item 18 (see chap. XVIII) at its 34th and 35th meetings, on 2 April, at its 37th to 39th meetings, on 3 April, at its 43rd and 45th meetings, on 7 April, at its 46th meeting, on 8 April, at its 57th and 58th meetings on 11 April, at its 64th meeting, on 15 April, and at its 69th meeting, on 18 April 1997. 1/

233. For the documents issued under agenda item 9 and sub-items (a)-(d), see annex IV to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairman's statements, by agenda item, see annex V to the present report.

(a) Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms

234. At the 34th meeting, on 2 April 1997, the Special Rapporteur on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy, introduced her report (E/CN.4/1997/47 and Add.1-4).

235. In the general debate on agenda item 9 (a), statements 2/ were made by the following members of the Commission: Bangladesh (39th), Brazil (37th), Canada (35th), China (43rd), Egypt (43rd), El Salvador (35th), Ethiopia (35th), Germany (35th), India (35th), Japan (39th), Malaysia (39th), Nepal (35th), the Netherlands (on behalf of the European Union) (35th), Pakistan (43rd), Republic of Korea (39th), Sri Lanka (39th), Uganda (43rd), United States of America (43rd).

236. The Commission heard statements by the observers for: Azerbaijan (45th), Democratic People's Republic of Korea (37th), Iran (Islamic Republic of) (38th), Iraq (38th), Libyan Arab Jamahiriya (37th), Malta (37th), New Zealand (45th), Norway (45th), Poland (43rd), Syrian Arab Republic (43rd).

237. Statements were also made by the observers for the Joint United Nations Programme on HIV/AIDS (UNAIDS) (37th) and the United Nations Development Fund for Women (45th).

238. The Commission also heard statements by the following non-governmental organizations: All China Women's Federation (39th), Andean Commission of Jurists (39th), Anti-Slavery International (46th), Institute for Women, Law and Development (38th), International Abolitionist Federation (39th), International Alliance of Women - Equal Rights, Equal Responsibilities (39th), International Association against Torture (46th), International Association of Democratic Lawyers (46th), International Council of AIDS Service Organizations (39th), International Council of Jewish Women (on behalf of African Association of Education for Development, All India Women's Conference, Coordinating Board of Jewish Organizations, International Abolitionist Federation, International Alliance of Women - Equal Rights, Equal Responsibilities, International Association of Democratic Lawyers, International Association of Jewish Lawyers and Jurists, International Council on Jewish Social and Welfare Services, International Federation of Social Workers, International Federation of University Women, International League for the Rights and Liberation of Peoples, Pax Christi International, World Association of Girl Guides and Girl Scouts, World Christian Life Community, World Federation of Methodist and Uniting Church Women, World Jewish Congress, World Union for Progressive Judaism, World Union of Catholic Women's Organizations, Zonta International) (38th), International Falcon Movement - Socialist Educational International (46th), International Federation of Human Rights Leagues (38th), International Fellowship of Reconciliation (46th), International Human Rights Association of American Minorities (38th), International Human Rights Law Group (46th), International Movement against All Forms of Discrimination and Racism (38th), International Women's Health Coalition (45th), Latin American Federation of Associations of Relatives of Disappeared Detainees (39th), Liberation (39th), Movimiento Cubano por la Paz y la Soberanía de los Pueblos (39th), North South XXI (39th), Transnational Radical Party (45th), United Towns Agency for North-South Cooperation (38th), Women's International Democratic Federation (38th), Women's International League for Peace and Freedom (45th), World Alliance of Reformed Churches (38th), World Federation of Methodist and Uniting Church Women (on behalf of the Working Group on Women's Human Rights of the NGO Committee on the Status of Women) (46th), World Muslim Congress (39th), World Organization against Torture (39th), World Peace Council (45th), World Union of Progressive Judaism (38th).

239. Statements in exercise of the right of reply or its equivalent were made by the representative of Nepal (46th) and by the observers for Armenia (45th), Azerbaijan (45th) and the Democratic People's Republic of Korea (39th).

(b) National institutions for the promotion and protection of human rights

240. In the general debate on agenda item 9 (b), statements 2/ were made by the following members of the Commission: Argentina (43rd), Bangladesh (39th), Denmark (43rd), Japan (39th), Nepal (35th), Pakistan (43rd), Sri Lanka (39th).

241. The Commission heard statements by the observers for: Australia (43rd), Iran (Islamic Republic of) (38th), Kenya (43rd), Mongolia (45th), Romania (43rd), Turkey (35th), Venezuela (43rd).

242. Statements were also made by: Canadian Human Rights Commission (37th), Commission nationale consultative des droits de l'homme (France) (35th), Federal Human Rights and Equal Opportunities Commission of Australia (38th), Human Rights Commission of New Zealand (38th), National Commission on Human Rights and Freedoms of Cameroon (38th), National Human Rights Commission of India (38th), National Human Rights Commission of Indonesia (45th), National Human Rights Commission of Nigeria (43rd), National Institution of the Islamic Republic of Iran (45th), Observatoire national des droits de l'homme (Algeria) (35th), Philippines Commission on Human Rights (45th) South African Human Rights Commission (38th).

243. The Commission also heard statements by the following non-governmental organizations: Andean Commission of Jurists (39th), Society for Threatened Peoples (38th), World Muslim Congress (39th).

244. A statement in exercise of the right of reply was made by the representative of Germany (37th).

(c) Coordinating role of the Centre for Human Rights within the United Nations bodies and machinery dealing with the promotion and protection of human rights

245. In the general debate on agenda item 9 (c), statements 2/ were made by the following members of the Commission: Bangladesh (39th), China (43rd), India (35th), Japan (39th), Malaysia (39th), the Netherlands (on behalf of the European Union) (35th), Ukraine (35th).

246. The Commission heard statements by the observers for: Malta (37th), Romania (43rd).

(d) Human rights, mass exoduses and displaced persons

247. At the 43rd meeting, on 7 April 1997, the representative of the Secretary-General on internally displaced persons, Mr. Francis M. Deng, introduced his report (E/CN.4/1997/43 and Add.1).

248. In the general debate on agenda item 9 (d), statements 2/ were made by the following members of the Commission: Austria (45th), Bangladesh (39th), Nepal (35th), Pakistan (43rd), Sri Lanka (39th).

249. The Commission heard statements by the observers for: Armenia (45th), Cyprus (37th), Hungary (37th), Malta (37th), Peru (43rd), Sudan (45th), Sweden (on behalf of the Nordic countries) (45th).

250. A statement was also made by the Observer for the International Committee of the Red Cross (37th).

251. The Commission also heard statements by the following non-governmental organizations: African Association of Education for Development (46th), African Commission of Health and Human Rights Promoters (45th), American Association of Jurists (39th), Arab Lawyers Union (38th), Asian Cultural Forum on Development (45th), Caritas Internationalis (38th), Centre Europe-Tiers Monde (38th), Franciscans International (46th), Friends World Committee for

Consultation (Quakers) (46th), Himalayan Research and Cultural Foundation (39th), Human Rights Internet (39th), Human Rights Watch (38th), International Association against Torture (46th), International Association of Educators for World Peace (39th), International Educational Development, Inc. (39th), International Indian Treaty Council (45th), International Institute for Peace (39th), International Islamic Federation of Student Organizations (46th), International League for the Rights and Liberation of Peoples (39th), International Peace Bureau (39th), Latin American Federation of Associations of Relatives of Disappeared Detainees (39th), Pax Christi International (38th), Pax Romana (38th), World Christian Life Community (39th), World Federation of Democratic Youth (38th), World Muslim Congress (39th), World Peace Council (45th), World Society of Victimology (46th).

252. Statements in exercise of the right of reply or its equivalent were made by the representative of Bhutan (35th) and by the Observer for Kenya (45th).

The protection of human rights in the context of the human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS)

253. At the 57th meeting, on 11 April 1997, the Observer for Poland introduced draft resolution E/CN.4/1997/L.37, sponsored by Angola, Argentina, Australia, Austria, Belarus, Benin, Brazil, Bulgaria, Cameroon, Canada, Chile, Croatia, Cyprus, the Czech Republic, Denmark, the Dominican Republic, El Salvador, Ethiopia, Finland, France, Gabon, Greece, Honduras, Israel, Italy, Kenya, Latvia, Lithuania, Madagascar, Mozambique, Nepal, the Netherlands, Nicaragua, Peru, the Philippines, Poland, Portugal, Romania, Slovakia, Slovenia, South Africa, Uganda and Zimbabwe. Germany, Guatemala, Togo, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uruguay subsequently joined the sponsors.

254. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/33.

United Nations Decade for Human Rights Education

255. At the 57th meeting, on 11 April 1997, the Observer for Costa Rica introduced draft decision E/CN.4/1997/L.55, sponsored by Costa Rica, Croatia, Cyprus, the Czech Republic, Romania, South Africa, the United Kingdom of Great Britain and Northern Ireland and the United Republic of Tanzania. Australia, Bangladesh, Colombia, Equatorial Guinea, Israel, Madagascar, the Republic of Korea, Slovakia, Ukraine and Uruguay subsequently joined the sponsors.

256. The draft decision was adopted without a vote. For the text of the decision as adopted, see chapter II, section B, decision 1997/111.

Regional arrangements for the promotion and protection of human rights

257. At the 57th meeting, on 11 April 1997, the Observer for Belgium introduced draft resolution E/CN.4/1997/L.59, sponsored by Argentina, Australia, Austria, Belarus, Belgium, Brazil, Canada, Croatia, Germany, Greece, Honduras, Hungary, Ireland, Italy, Japan, Lithuania, Portugal, the Republic of Korea, Romania, the Russian Federation,

the former Yugoslav Republic of Macedonia and Togo. Bulgaria, Cape Verde, the Dominican Republic, El Salvador, Equatorial Guinea, Estonia, France, Israel, Madagascar, Malta, the Netherlands, New Zealand, Ukraine, the United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela subsequently joined the sponsors.

258. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/34.

Preparations for the fiftieth anniversary of the Universal Declaration of Human Rights

259. At the 57th meeting, on 11 April 1997, the Observer for Poland introduced draft resolution E/CN.4/1997/L.60, sponsored by Austria, Belarus, Brazil, Bulgaria, Chile, Croatia, the Czech Republic, El Salvador, Ethiopia, Finland, France, Germany, Hungary, India, Israel, Italy, Mexico, the Philippines, Poland, the Republic of Korea, Romania, the Russian Federation, Slovenia, South Africa, Sweden, Switzerland and Ukraine. Argentina, Bangladesh, Benin, Canada, Ecuador, Equatorial Guinea, Egypt (on behalf of the Group of African States), Greece, Ireland, Japan, Madagascar, Mali, Nicaragua, Norway, Portugal, Slovakia, the former Yugoslav Republic of Macedonia, Togo, Uruguay and Venezuela subsequently joined the sponsors.

260. The Observer for Poland orally revised the draft resolution by adding a new operative paragraph 4, the subsequent paragraphs being renumbered accordingly.

261. A statement in connection with the draft resolution, as orally revised, was made by the representative of the United States of America.

262. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/35.

Human rights and arbitrary deprivation of nationality

263. At the 57th meeting, on 11 April 1997, the representative of the Russian Federation introduced draft resolution E/CN.4/1997/L.62, sponsored by Mexico and the Russian Federation. Belarus, Colombia, Nicaragua, Peru and Portugal subsequently joined the sponsors.

264. A statement in connection with the draft resolution was made by the representative of Mexico.

265. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/36.

Human rights and thematic procedures

266. At the 57th meeting, on 11 April 1997, the representative of the Czech Republic introduced draft resolution E/CN.4/1997/L.64, sponsored by Argentina, Austria, Belgium, Bulgaria, Canada, Chile, the Czech Republic, Denmark, the Dominican Republic, Finland, France, Germany, Hungary, Ireland,

Italy, Luxembourg, the Netherlands, New Zealand, Norway, Peru, Poland, Portugal, the Republic of Korea, Romania, Slovakia, Spain, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Australia, Greece, Liechtenstein, the Russian Federation and Uruguay subsequently joined the sponsors.

267. Statements in explanation of vote before the vote were made by the representatives of Cuba and Pakistan.

268. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/37.

Internally displaced persons

269. At the 57th meeting, on 11 April 1997, the representative of Austria introduced draft resolution E/CN.4/1997/L.66, sponsored by Argentina, Austria, Bulgaria, Colombia, Cyprus, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Mozambique, the Netherlands, Norway, Peru, Portugal, the Republic of Korea, Sweden and Uruguay. Australia, Canada, Liechtenstein and the Russian Federation subsequently joined the sponsors.

270. The draft resolution was orally revised by the representative of Austria as follows:

(a) In the ninth preambular paragraph, the words "in emergency situations is essential" were replaced by "is essential in emergency situations where the Government of the country concerned is unable to discharge its normal responsibilities";

(b) In operative paragraph 6, the words "welcomes the preparation of" were replaced by "takes note of his preparations for".

271. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/39.

National institutions for the promotion and protection of human rights

272. At the 57th meeting, on 11 April 1997, the Observer for Australia introduced draft resolution E/CN.4/1997/L.67, sponsored by Australia, Austria, Bangladesh, Cameroon, Canada, Cape Verde, Croatia, Cyprus, the Czech Republic, Denmark, Ethiopia, France, Honduras, India, Latvia, Madagascar, Mexico, Mongolia, New Zealand, the Philippines, Portugal, Romania, the Russian Federation, Slovakia, South Africa and Tunisia. Algeria, Argentina, Colombia, El Salvador, Equatorial Guinea, Estonia, Indonesia, Israel, Italy, Norway, Senegal, Spain, Sri Lanka, Sweden, the former Yugoslav Republic of Macedonia, Togo and Venezuela subsequently joined the sponsors.

273. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications [3] of the draft resolution.

274. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/40.

Development of public information activities in the field of human rights, including the World Public Information Campaign for Human Rights

275. At the 57th meeting, on 11 April 1997, the representative of Italy introduced draft resolution E/CN.4/1997/L.73, sponsored by Afghanistan, Argentina, Australia, Bulgaria, Canada, Chile, Croatia, Cyprus, Denmark, the Dominican Republic, France, Germany, Greece, Haiti, Hungary, Ireland, Italy, Madagascar, the Netherlands, Nicaragua, Norway, Poland, Portugal, the Republic of Korea, Romania, the Russian Federation, Slovakia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Tunisia and Ukraine. Algeria, Belarus, Benin, Ecuador, Peru, Senegal and Slovenia subsequently joined the sponsors.

276. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/41.

Human rights and terrorism

277. At the 57th meeting, on 11 April 1997, the Observer for Turkey introduced draft resolution E/CN.4/1997/L.74, sponsored by Algeria, Egypt, Pakistan, Peru, the Philippines, the Republic of Korea, Sri Lanka, Turkey and Uruguay. Azerbaijan, Colombia, India and the Russian Federation subsequently joined the sponsors.

278. The Observer for Turkey orally revised the draft resolution, in operative paragraph 4, by inserting the word "strict" before "conformity" and by deleting the words "relevant provisions of" before "international law".

279. Statements in connection with the draft resolution were made by the representatives of Algeria and Pakistan.

280. Statements in explanation of vote before the vote were made by the representatives of Argentina, Canada, Chile, Mexico, the Netherlands (on behalf of the European Union), the United Kingdom of Great Britain and Northern Ireland and the United States of America.

281. The representative of the United States of America requested a vote. At the request of the representative of Ireland, a roll-call vote was taken on the draft resolution, as orally revised, which was adopted by 28 votes to none, with 23 abstentions. The voting was as follows:

In favour: Algeria, Bangladesh, Belarus, Benin, Bhutan, Brazil, Cape Verde, China, Colombia, Cuba, Egypt, Ethiopia, India, Indonesia, Ireland, Japan, Malaysia, Mali, Mozambique, Nepal, Pakistan, Philippines, Republic of Korea, Russian Federation, South Africa, Sri Lanka, Uganda, Uruguay.

Against: None.

Abstaining: Angola, Argentina, Austria, Bulgaria, Canada, Chile, Denmark, Dominican Republic, Ecuador, El Salvador, France, Gabon, Germany, Guinea, Italy, Madagascar, Mexico, Netherlands, Nicaragua, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Zimbabwe.

282. At the 69th meeting, on 18 April 1977, the representative of Japan made a statement in explanation of vote.

283. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/42.

Integrating the human rights of women throughout the United Nations system

284. At the 57th meeting, on 11 April 1997, the representative of Canada introduced draft resolution E/CN.4/1997/L.75, sponsored by Argentina, Australia, Austria, Bangladesh, Belarus, Benin, Brazil, Bulgaria, Cameroon, Canada, Chile, Croatia, Cyprus, the Czech Republic, the Democratic People's Republic of Korea, Denmark, El Salvador, Ethiopia, Finland, France, Germany, Greece, Ireland, Liechtenstein, Luxembourg, Madagascar, Mexico, New Zealand, Nicaragua, Norway, Papua New Guinea, the Philippines, Portugal, the Republic of Korea, Slovenia, South Africa, Spain, Sweden, Switzerland, Tunisia, Turkey and Zambia. The Dominican Republic, Italy, Japan, Latvia, the Netherlands, Peru, Senegal, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Uruguay and Venezuela subsequently joined the sponsors.

285. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/43.

The elimination of violence against women

286. At the 57th meeting, on 11 April 1997, the representative of Canada introduced draft resolution E/CN.4/1997/L.76, sponsored by Argentina, Australia, Austria, Bangladesh, Brazil, Bulgaria, Cameroon, Canada, Chile, Côte d'Ivoire, Croatia, Cyprus, the Czech Republic, the Democratic People's Republic of Korea, Denmark, El Salvador, Ethiopia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Madagascar, the Netherlands, New Zealand, Nicaragua, Norway, Papua New Guinea, the Philippines, Poland, Portugal, the Republic of Korea, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Tunisia and Turkey. Belgium, Benin, Cape Verde, the Dominican Republic, Ecuador, France, Gabon, Haiti, Israel, Japan, Mali, Mexico, Senegal, Togo, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Uruguay, Venezuela and Zimbabwe subsequently joined the sponsors.

287. The representative of Canada orally revised the draft resolution, in operative paragraph 9 (b), by inserting the word "information" before "pertaining".

288. Statements in connection with the draft resolution, as orally revised, were made by the representatives of Brazil, Canada, Cuba, India and Mexico.

289. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

290. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/44.

Regional arrangements for the promotion and protection of human rights in the Asian and Pacific region

291. At the 58th meeting, on 11 April 1997, the Observer for Jordan introduced draft resolution E/CN.4/1997/L.68/Rev.1, sponsored by Bangladesh, China, Indonesia, Iraq, Jordan, Mongolia, Nepal, the Philippines, the Republic of Korea, Sri Lanka and the Syrian Arab Republic. Equatorial Guinea, Iran (Islamic Republic of) and Pakistan subsequently joined the sponsors.

292. The draft resolution was adopted without a vote.

293. At the 69th meeting, on 18 April 1997, the representative of Canada made a statement in connection with the resolution.

294. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/45.

Rationalization of the work of the special procedures system and review of the special procedures system

295. At its 64th meeting, on 15 April 1997, on the proposal of the representative of Pakistan, the Commission decided, without a vote, to defer consideration of draft resolutions E/CN.4/1997/L.86, entitled "Rationalization of the work of the special procedures system", and E/CN.4/1997/L.87, entitled "Review of the special procedures system", to its fifty-fourth session. The draft resolutions, both sponsored by Bangladesh, China, Cuba, Egypt, Indonesia, Iran (Islamic Republic of), Malaysia, Nigeria, Pakistan, the Philippines and Sri Lanka, read as follows:

"Rationalization of the work of the special procedures system

"The Commission on Human Rights,

"Guided by the purposes and principles and other relevant articles of the Charter of the United Nations and the Universal Declaration of Human Rights and the International Covenants on Human Rights,

"Recalling that the Vienna Declaration and Programme of Action states that all human rights are universal, indivisible and interdependent and interrelated,

"Also recalling that the Vienna Declaration and Programme of Action underlines the importance of preserving and strengthening the system of special procedures, rapporteurs, representatives, experts and working groups of the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

"Welcoming the fact that the special procedures have held periodic meetings with the aim of exchanging views, and harmonizing and rationalizing their work,

"Emphasizing the principles of neutrality, non-selectivity and objectivity in the work of the special rapporteurs, representatives and working groups of the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities and their sensitivity to national and regional diversities and various historical, cultural, religious and legal backgrounds,

"Noting the work done through the special procedures system and its contribution to the promotion and protection of human rights,

"Noting also the role assigned to the special procedures in the field of human rights and the need for follow-up to their conclusions and recommendations,

"Noting further the importance of all States' full cooperation with the special procedures,

"1. Decides that the special rapporteurs, representatives and working groups of the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities, while carrying out their specific mandates, shall:

"(a) Continue to work independently, with the greatest amount of discretion and in an objective and impartial fashion;

"(b) Continue to bear in mind that they derive their authority from the Commission on Human Rights and the Economic and Social Council;

"(c) Continue to ensure that the information on which they base their deliberations and reports is credible and reliable;

"(d) Seek a genuine and direct dialogue and cooperation with the concerned Government;

"(e) During their visits, observe the human rights situation and assist the host Government in problem areas, the purpose of such visits being to gain first-hand information on situations and to discuss with all concerned, including Governments and non-governmental organizations and all sectors of society, how to ensure respect for human rights, and make recommendations thereon;

"(f) Continue to undertake such visits at the invitation of the host Government;

"(g) Continue to ensure in an objective and impartial fashion that urgent appeals are made for humanitarian reasons on the basis of the gravity of the situation, wherever such a situation occurs;

"(h) Refrain from giving media publicity to their findings until these have been considered and deliberated upon by the Commission;

"(i) Continue to harmonize and rationalize their work through periodic meetings to coordinate their activities for the promotion and protection of human rights;

"(j) Organize the programme of visits of thematic procedures on the basis of comparative need for such visits and the relative urgency thereof, based on the gravity of the human rights situation.

"2. Requests the United Nations High Commissioner for Human Rights to designate a focal point within the Centre for Human Rights to serve as a clearing-house to rationalize the work of the special procedures system and to ensure that countries are not burdened with communications that deal with the same issue or incident;

"3. Requests the Chairman of the Commission, when appointing special rapporteurs, to continue to consult closely with regional groups and ensure that the appointee is of recognized standing in the field of human rights, has an overall knowledge of political, social and legal systems, is sensitive to different cultural, religious and ethnic particularities, and will accordingly implement his mandate independently, impartially and objectively;

"4. Invites States to consider favourably requests by mandate holders to visit their country, to facilitate their meetings with persons and organizations that are relevant to the fulfilment of their mandates; to seek to undertake a genuine dialogue with the mandate holder; and to follow up on the recommendations of the mandate holder;

"5. Decides to continue to seek ways and means to rationalize the functioning of the special procedures system and to review the implementation of the present resolution at its fifty-fourth session."

"Review of the special procedures system

"The Commission on Human Rights,

"Guided by the purposes and principles and the relevant articles of the Charter of the United Nations and the Universal Declaration of Human Rights and the International Covenants on Human Rights,

"Reiterating the Vienna Declaration and Programme of Action which states that all human rights are universal, indivisible and interdependent and interrelated, and that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis, "*Noting* that the Committee on Economic, Social and Cultural Rights has highlighted the imbalance in the special rapporteur system by referring to the fact that, although there are a large number of thematic and related mechanisms dealing with different aspects of civil and political rights, there is none dealing solely with the economic, social and cultural rights recognized in the International Covenant on Civil and Political Rights and in the International Covenant on Economic, Social and Cultural Rights, despite the recognized interdependence, indivisibility and interrelationship of the two sets of rights;

"1. *Decides* to undertake a comprehensive review of the thematic and related mechanisms and the special rapporteur system at its fifty-fourth session;

"2. *Also decides* to set up an open-ended working group and requests the Secretary-General to submit a comprehensive report to the inter-sessional working group containing specific proposals for rationalization;

"3. *Further decides* to include in its agenda for the fifty-fourth session an item entitled 'Review of the special procedures system';

"4. *Recommends* the following draft decision to the Economic and Social Council for adoption:

> 'The Economic and Social Council, taking note of Commission on Human Rights resolution 1997/... of ... 1997, approves the Commission's decision to set up an inter-sessional open-ended working group of the Commission on the review of the special procedures system for a period of one year.'"

296. For the text of the decision as adopted, see chapter II, section B, decision 1997/116.

Composition of the staff of the Centre for Human Rights

297. At its 69th meeting, on 18 April 1997, on the proposal of the representative of Cuba, the Commission decided, without a vote, to defer consideration of draft resolution E/CN.4/1997/L.47, entitled "Composition of the staff of the Centre for Human Rights", to its fifty-fourth session. The draft resolution, sponsored by Algeria, Cape Verde, China, Colombia, Cuba, the Democratic People's Republic of Korea, the Dominican Republic, Egypt, Equatorial Guinea, Ethiopia, the Libyan Arab Jamahiriya, Mexico, Mozambique, Nigeria, Sri Lanka, the Syrian Arab Republic, the United Republic of Tanzania, Viet Nam, Yemen and Zaire, subsequently joined by El Salvador, Peru, Togo and Venezuela, read as follows:

"*Composition of the staff of the Centre for Human Rights*

"*The Commission on Human Rights*,

"*Recalling* that, in its report to the Special Commission of the Economic and Social Council (E/CN.4/1988/85 and Corr.1), the Commission on Human Rights reaffirmed that the paramount consideration in the employment of the staff at every level was the need for the highest standards of efficiency, competence and integrity, and that it was convinced that that was compatible with the principle of equitable geographical distribution, and bearing in mind Article 101, paragraph 3, of the Charter of the United Nations,

"*Recalling also* part II, paragraphs 11 and 17, of the Vienna Declaration and Programme of Action (A/CONF.157/23) in which the World Conference on Human Rights requested the Secretary-General and the General Assembly to provide sufficient human, financial and other resources to the Centre for Human Rights to enable it effectively, efficiently and expeditiously to carry out its activities, and at the same time recognized the necessity for an adaptation of the United Nations human rights machinery in accordance with its real needs,

"*Taking into account* the need to pay particular attention to the recruitment to the Centre for Human Rights of personnel from developing countries and in this regard to improve the current composition of the staff of the Centre on the basis of a more equitable geographical distribution,

"*Reaffirming* its resolution 1996/65 of 23 April 1996,

"*Taking note with concern* of the fact that the note submitted by the Secretary-General to the General Assembly on the geographical composition and functions of the staff of the Centre for Human Rights (A/51/650) pursuant to Commission resolution 1996/65 clearly reflects that one of the regions is overrepresented in the composition of the staff,

"*Taking note with appreciation* of the report of the Office of Internal Oversight Services on the programme and administrative practices of the Centre for Human Rights (A/49/892, annex) in which the Office recognized the necessity of restructuring the secretariat of the Centre,

"*Expressing its concern once again* at the underrepresentation of the developing countries on the staff of the Centre for Human Rights, in particular taking into account the criteria of equitable geographical distribution,

"1. *Takes note* of the report of the Secretary-General on the composition of the staff of the High Commissioner/Centre for Human Rights (E/CN.4/1997/45);

"2. Reaffirms that Article 101, paragraph 3, of the Charter of the United Nations should guide the Secretary-General in his policy for the recruitment of the staff of the Organization, in particular taking into account the criteria of equitable geographical distribution;

"3. Considers that it is necessary, within the ongoing process of the restructuring of the Centre for Human Rights, to take urgent, concrete and immediate steps to change the prevailing distribution of posts of the staff of the Centre for Human Rights in favour of an equitable geographical distribution of those posts in accordance with Article 101 of the Charter, particularly by recruiting personnel from developing countries, including to key posts;

"4. Requests the Secretary-General to adopt the necessary measures to pay particular attention to the recruitment for the Centre for Human Rights of personnel from developing countries, for the existing vacancies as well as for additional ones, to ensure equitable geographical distribution, giving priority in particular in this regard to the recruitment to high-level and Professional posts and to the recruitment of women;

"5. Requests once again the Secretary-General, in signing agreements with countries as a result of which junior professional officers are provided to the Centre for Human Rights, to urge those countries to ensure additional financial resources to guarantee that personnel from developing countries are able to work as junior professional officers, with a view to conforming to the principle of equitable geographical distribution and, in this regard, to establish a permanent mechanism by virtue of which, for each junior professional officer from a donor country joining the Centre, another junior professional officer from a developing country would also join the Centre;

"6. Emphasizes the importance of all posts, including ad hoc appointments for field operations, being openly advertised and disseminated with detailed job descriptions among all States before they are filled;

"7. Requests the High Commissioner for Human Rights to ensure that junior professional officers are not assigned sensitive political tasks where their impartiality may be called into question;

"8. Also requests the High Commissioner, while keeping all States informed regularly of the ongoing process of restructuring of the Centre for Human Rights, to inform the Commission of the implementation of the present resolution;

"9. Calls upon the Secretary-General to submit a comprehensive report to the General Assembly at its fifty-second session and to the Commission on Human Rights at its fifty-fourth session on the implementation of the present resolution, including measures adopted and their results, and recommendations for improving the present situation;

> "10. Decides to consider this matter under the same agenda item at its fifty-fourth session."

298. The representative of Canada made a statement in connection with the decision after its adoption.

299. For the text of the decision as adopted, see chapter II, section B, decision 1997/124.

Human rights and mass exoduses

300. At the 69th meeting, on 18 April 1997, the representative of Canada introduced draft resolution E/CN.4/1997/L.69, sponsored by Australia, Canada, Cyprus, the Czech Republic, Denmark, Finland, France, Germany, Hungary, Luxembourg, Madagascar, Nepal, Norway, Poland, the Russian Federation, Sweden and Switzerland. Equatorial Guinea, Greece, the Netherlands, New Zealand and Uruguay subsequently joined the sponsors.

301. The draft resolution was orally revised by the representative of Canada as follows:

(a) In the second preambular paragraph, the words "resolution 1995/88 of 8 March 1995" were replaced by "resolution 1996/51 of 19 April 1996"; and, after "displacement of people", the phrase "and that there is a need for a comprehensive approach by the international community to address root causes and effects of movements of refugees and other displaced persons and for the strengthening of emergency preparedness and response mechanisms" was deleted;

(b) After the second preambular paragraph, a new preambular paragraph was inserted;

(c) In the third preambular paragraph, after "which indicate that", the words "comprehensive approaches, particularly" were inserted, and after "coherent", the term "system-wide" was deleted;

(d) In the fifth preambular paragraph, the words "humanitarian agencies make" were replaced by "the work of humanitarian agencies makes"; and, after "achievement", the words "and protection" were deleted.

(e) The sixth preambular paragraph was replaced by two new preambular paragraphs;

(f) In the seventh preambular paragraph, the words "the United Nations High Commissioner for Human Rights" were moved to appear after "cooperation between"; before "other", the word "and" was inserted; after "entities", the word "and" was deleted; and before "mandates", the words "activities within their" were inserted;

(g) The eighth preambular paragraph, which read:

> "Welcoming further the involvement of the Office of the United Nations High Commissioner for Refugees in activities in countries of actual or potential return, including the monitoring of returnees, in

> particular in the framework of tripartite agreements between the State of origin, the State of asylum and the Office of the United Nations High Commissioner for Refugees, aimed at making effective the fundamental right of refugees to return to their own countries in safety and dignity,"

was deleted;

(h) In the tenth preambular paragraph, after "response mechanisms", the words "of the United Nations system as a whole" were inserted; in the same paragraph, the words "at the international, regional and country levels" were replaced by "at both the international and regional levels";

(i) In the eleventh preambular paragraph, after "gender-specific", the words "violence and exploitation" were replaced by "violations of human rights";

(j) After the twelfth preambular paragraph, a new preambular paragraph was inserted;

(k) In the penultimate preambular paragraph, after "Recalling", the words "all relevant human rights standards, including the Universal Declaration of Human Rights," were inserted;

(l) At the end of the last preambular paragraph, the words "and in working to make it possible for refugees to exercise their fundamental right to return to and to stay in their own countries in safety and dignity" were added;

(m) In operative paragraph 4, the words "resolution 1995/13 of 18 August 1995" were replaced by "resolution 1996/9 of 23 August 1996";

(n) After operative paragraph 5, a new paragraph was inserted, the subsequent paragraphs being renumbered accordingly;

(o) In former operative paragraph 9, after "mass exoduses and to", the words "contribute to efforts to" were inserted; at the end of the same paragraph, after "cooperation", the words "in countries of origin as well as host countries" were added;

(p) After former operative paragraph 9, a new paragraph was inserted, the subsequent paragraphs being renumbered accordingly;

(q) In former operative paragraph 10, the words "and notes with appreciation the contribution made by the United Nations High Commissioner for Human Rights and the Centre for Human Rights to its development" were replaced by "and calls upon the High Commissioner for Human Rights to continue his cooperation with the Department in this regard";

(r) Former operative paragraph 11, which read:

> "11. Notes with satisfaction the participation of the United Nations High Commissioner for Human Rights in the framework for

> coordination activities and projects organized by the Department of Humanitarian Affairs, the Department of Political Affairs and the Department of Peacekeeping Operations, demonstrating the need for a comprehensive approach to address root causes and effects of movements of refugees and other displaced persons and the strengthening of emergency preparedness and response mechanisms;"

was deleted, the subsequent paragraphs being renumbered accordingly;

(s) In former operative paragraph 12, after "early-warning activities", the words "in the humanitarian area" were deleted;

(t) In former operative paragraph 13, after "deliberations", the word "of" was replaced by "at the fifty-third session of the Commission on Human Rights and to other".

302. A statement in connection with the draft resolution was made by the representative of India, who withdrew her delegation's proposed amendments thereto (E/CN.4/1997/L.112). The proposed amendments read as follows:

"I. AMENDMENTS

"1. First preambular paragraph: delete 'the extensive human suffering of refugees and displaced persons' in line 3 and replace with 'violations of human rights which often result in such exoduses'.

"2. Second preambular paragraph: delete the text after 'displacement of people' in line 5.

"3. Third preambular paragraph: delete the entire paragraph.

"4. Fourth preambular paragraph: delete the entire paragraph.

"5. Fifth preambular paragraph: delete the text after '... humanitarian action' in line 2.

"6. Sixth preambular paragraph: delete from '_Welcoming_' in line 1 to 'and' in line 4; 'also' and from 'and the representative of the Secretary-General' in line 6 to 'internally displaced persons' in line 7.

"7. Seventh preambular paragraph: move 'United Nations High Commissioner for Human Rights' from lines 3/4 to before 'United Nations High Commissioner for Refugees' in line 1, insert 'and' after 'United Nations Development Programme', and delete from 'with a view to' to 'activities' in the last line.

"8. Eighth preambular paragraph: delete the entire paragraph.

"9. Ninth preambular paragraph: change 'has important capabilities' in line 3 to 'may have capabilities'.

"10. Tenth preambular paragraph: delete entire paragraph.

"11. Eleventh preambular paragraph: replace 'violence and exploitation' at the end of the paragraph with 'violations of human rights'.

"12. Twelfth preambular paragraph: delete entire paragraph.

"13. Thirteenth preambular paragraph: add 'the Universal Declaration of Human Rights' after 'principles of' in line 1, and 'and that their basic human rights, including access to judicial remedies, should be ensured' at the end of the paragraph.

"14. Fourteenth preambular paragraph: delete entire paragraph.

"15. Insert before operative paragraph 1 the following heading: 'I. General'.

"16. Operative paragraph 1: replace 'to develop a comprehensive approach to' in line 4 with 'towards compiling information on'.

"17. Operative paragraph 5: delete entire paragraph.

"18. Operative paragraph 6: delete entire paragraph.

"19. Operative paragraph 7: delete the text after '... in their reports' in line 6.

"20. Operative paragraph 9: delete the text after '... mass exoduses' in line 7.

"21. Operative paragraph 10: delete the text after 'Early Warning System' and replace it with 'calls upon the High Commissioner for Human Rights to continue his cooperation with the Department of Humanitarian Affairs in this regard, ensuring that there is no duplication of such efforts on the part of the Centre for Human Rights'.

"22. Operative paragraph 11: delete the text after '... Humanitarian Affairs' in line 3.

"23. Operative paragraph 12: delete from 'give high priority' in line 1 to '... *inter alia*' in line 4 and replace with 'ensure'.

"24. Operative paragraph 13: delete entire paragraph.

"25. Operative paragraph 14: delete entire paragraph.

"26. Operative paragraph 15: delete entire paragraph.

"27. Operative paragraph 16: delete entire paragraph and replace it with '*Disturbed* at the widespread violation of the principle of non-refoulement and of the rights of refugees, in some cases resulting in loss of refugee lives, and seriously disturbed at reports indicating that large numbers of refugees and asylum seekers have been refouled and expelled in highly dangerous situations, and recalls that the principle of non-refoulement is not subject to derogation,'.

"28. Operative paragraph 17: delete last three lines starting with 'with particular' and ending with 'effectively'.

"II. NEW PARAGRAPHS FOR INCLUSION

"II

"Protection and human rights issues

"19. Notes that durable solutions to situations of mass exodus must be designed in such a way as to reinforce protection;

"20. Recalls that protection considerations should govern the entire process towards solutions and that standards should be applied consistently across the world;

"21. Calls upon States to introduce legislation for the protection of the rights of refugees in line with relevant international standards; review existing legislation and deportation procedures with regard to their compatibility with basic human rights standards and refugee law; ensure that expulsions do not involve the separation of families and that deprivation of liberty is used only as a measure of last resort;

"22. Notes with concern that attitudes to refugee protection and refugees in many countries range from indifference to active hostility, and condemns in this regard prolonged and arbitrary detention of asylum seekers in refugee centres as well as decisions to repatriate asylum seekers without proper respect for international human rights standards and norms of refugee law;

"23. Notes also with concern the inadequate application of law and policy to asylum seekers, in particular women and children, and the insufficient attention paid to the general principles of non-discrimination;

"24. Notes with concern that policies of 'temporary protection', 'orderly repatriation', 'mandatory repatriation' and 'passively accepted repatriation' may lead to violations of the human rights of asylum seekers and refugees and may also result in a conflict with the basic protection role of the Office of the United Nations High Commissioner for Refugees;

"25. Views with concern the growth of racism and intolerance against refugees, migrants and other categories of persons who form part of the phenomenon of mass exodus;

"26. Deplores the tardiness of the international community in responding to humanitarian crises through timely, coordinated and decisive action;

"III

"High Commissioner/Centre for Human Rights

"27. Notes that the prevention of and response to situations of mass exodus may be beyond the capacity of the United Nations High Commissioner for Human Rights and may go beyond his mandate;

"28. Recognizes that institutions responsible for sustaining the rule of law play an important role in removing the causes of mass exoduses and, in this context, calls on the High Commissioner to continue his efforts, at the request of the Governments concerned, to reinforce national legal, judicial and administrative capacity, including training opportunities through technical cooperation programmes in countries of origin as well as host countries, particularly developing countries;

"29. Welcomes the efforts of the High Commissioner to create an environment viable for return in post-conflict societies through initiatives such as the rehabilitation of the justice system, creation of national institutions capable of defending human rights, broad-based programmes of human rights education as well as the strengthening of local non-governmental organizations through programmes of advisory services and technical cooperation;

"30. Calls upon Governments to contribute generously to the efforts of the High Commissioner to expand his technical cooperation activities and requests the High Commissioner to focus in particular on countries that receive as well as contribute to mass exoduses;

"IV

"Causes

"31. Reaffirming that the aspect of causes is critical to the issue of solutions and that international efforts should be directed to the removal of the causes of mass exoduses;

"32. Recognizes that the causes of mass exoduses are often of a structural nature and are directly linked to the prevailing unjust and inequitable international political and economic order, and notes in this regard that the study of purely national aspects alone will not reveal the real roots of the problem;

"33. Notes that the use of force, foreign occupation or domination, unilateral economic coercion and international sanctions, particularly when foodstuffs and medical requisites are denied to populations, are factors in creating refugees and mass exoduses;

"34. Affirms that chronic underdevelopment is one of the root causes of the phenomenon of mass exodus and that the linkage between the two establishes the close and vital relationship between violations of the right to development and violations of civil and political rights;

"35. Notes that mass exodus and the failure to develop durable solutions, including through the fulfilment of the right to development, can exacerbate existing tensions and lead to renewed conflict and violations of civil and political rights resulting in recurring mass population movements;

"V

"Solutions and burden-sharing

"36. Noting that while displaced persons remain within the territorial jurisdiction of their own countries, the primary responsibility for their welfare and protection lies with the State concerned;

"37. Recognizes that countries of asylum carry a heavy burden, including in particular developing countries with limited resources and those which, owing to their location, host large numbers of refugees and asylum seekers, and reiterates in this regard its commitment to uphold the principles of international solidarity and burden-sharing, and calls on Governments and the High Commissioner for Human Rights to continue to respond to the needs of countries hosting large numbers of refugees until durable solutions are found;

"38. Reaffirms that while the primary responsibility for tackling population displacement problems lies with the affected countries themselves, these serious challenges cannot be met by the limited resources and experience of the countries facing these problems alone, particularly developing countries;

"39. Emphasizes the responsibility of all States and international organizations to cooperate with countries on which the large-scale presence of refugees weighs most heavily;

"40. Notes that respect and protection of all human rights, including the right to development, are essential in avoiding mass exoduses and in achieving long-term solutions to displacement;

"41. Reaffirms that resettlement is an instrument of protection and a durable solution and in this connection urges Governments to respond actively to the resettlement needs of refugees in a spirit of burden-sharing;

"42. Notes with concern the gap between development planning mechanisms and humanitarian resource mobilization which could result in gaps in assistance to populations that have recently returned or resettled, and affirms that unsustainable economic conditions in the area of return and insufficient financial support to returnees could be a factor slowing down the process of return, reintegration and reconciliation;

"43. Notes that the prevention of mass exoduses requires lasting and effective solutions and requires bilateral and multilateral efforts with specific commitments and effective contributions to developing countries in order to promote the realization of all human rights, in particular the right to development, and welcomes in this regard the holistic approach to promotion and protection of human rights adopted by the High Commissioner."

303. The draft resolution, as orally revised, was adopted without a vote.

304. The representative of Cuba made a statement in connection with the resolution after its adoption.

305. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/75.

Strengthening the Office of the High Commissioner/ Centre for Human Rights

306. At the 69th meeting, on 18 April 1997, the representative of the Netherlands introduced draft resolution E/CN.4/1997/L.114, sponsored by Austria, Bangladesh, Belgium, Bulgaria, Chile, Colombia, Cyprus, the Czech Republic, Denmark, El Salvador, Estonia, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, the Netherlands, Norway, Poland, Portugal, San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland, and the United Kingdom of Great Britain and Northern Ireland. The Dominican Republic, Hungary, India, Israel, Nepal, Romania, Ukraine and Uruguay subsequently joined the sponsors.

307. Statements in connection with the draft resolution were made by the representatives of Bangladesh and Cuba.

308. The draft resolution was adopted without a vote.

309. The representatives of Canada (on behalf of Australia, Japan and New Zealand) and the United States of America made statements in connection with the resolution after its adoption.

310. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/76.

X. QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS;

(b) STUDY OF SITUATIONS WHICH APPEAR TO REVEAL A CONSISTENT PATTERN OF GROSS VIOLATIONS OF HUMAN RIGHTS AS PROVIDED FOR IN COMMISSION RESOLUTION 8 (XXIII) AND ECONOMIC AND SOCIAL COUNCIL RESOLUTIONS 1235 (XLII) AND 1503 (XLVIII): REPORT OF THE WORKING GROUP ON SITUATIONS ESTABLISHED BY ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1990/41 OF 25 MAY 1990

311. The Commission considered agenda item 10 and sub-item (a) at its 46th to 55th meetings, from 8 to 10 April, at its 64th to 67th meetings, on 15 and 16 April, and at its 70th meeting on 18 April 1997. 1/ Item 10 (b) was considered by the Commission in closed session (see paras. 415-417 below).

312. For the documents issued under agenda item 10 and sub-items (a) and (b), see annex IV to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairman's statements, by agenda item, see annex V to the present report.

313. At its 46th meeting, on 8 April 1997, the Commission decided to consider the situation of human rights in Burundi under agenda item 10. Accordingly, Mr. Paulo Sérgio Pinheiro, Special Rapporteur on the situation of human rights in Burundi, introduced his report (E/CN.4/1997/12 and Corr.1 and Add.1). At the same meeting, the following special rapporteurs introduced their reports:

(a) Special Rapporteur on the situation of human rights in Rwanda, Mr. René Degni-Ségui (E/CN.4/1997/61);

(b) Special Rapporteur on the situation of human rights in Zaire, Mr. Roberto Garretón (E/CN.4/1997/6 and Add.1 and 2).

314. At the 47th meeting, on 8 April 1997, the following special rapporteurs introduced their reports:

(a) Special Rapporteur on the situation of human rights in Equatorial Guinea, Mr. Alejandro Artucio (E/CN.4/1997/54);

(b) Special Rapporteur on the situation of human rights in Afghanistan, Mr. Choong-Hyun Paik (E/CN.4/1997/59).

315. At the same meeting, the Special Rapporteur on extrajudicial, summary or arbitrary executions, Mr. Bacre Waly N'diaye, and the Special Rapporteur on the independence of judges and lawyers, Mr. Param Cumaraswamy, introduced a joint report on the situation of human rights in Nigeria (E/CN.4/1997/62 and Add.1).

316. At the 48th meeting, on 8 April 1997, the following special rapporteurs introduced their reports:

(a) Special Rapporteur on the situation of human rights in Cuba, Mr. Carl-Johan Groth (E/CN.4/1997/53);

(b) Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia, Ms. Elisabeth Rehn (E/CN.4/1997/5, E/CN.4/1997/8, E/CN.4/1997/9, E/CN.4/1997/56).

317. At the 49th meeting, on 9 April 1997, the following special rapporteurs introduced their reports:

(a) Special Rapporteur on the situation of human rights in the Sudan, Mr. Gáspár Bíró (E/CN.4/1997/58);

(b) Special Rapporteur on the situation of human rights in Myanmar, Mr. Rajsoomer Lallah (E/CN.4/1997/64);

(c) Special Rapporteur on extrajudicial, summary or arbitrary executions, Mr. Bacre Waly N'diaye (E/CN.4/1997/60 and Add.1).

At the same meeting, the Special Representative of the Commission on the situation of human rights in the Islamic Republic of Iran, Mr. Maurice Copithorne, introduced his report (E/CN.4/1997/63).

318. At the 56th meeting, on 11 April 1997, the Special Rapporteur on the situation of human rights in Iraq, Mr. Max van der Stoel, introduced his report (E/CN.4/1997/57).

319. In the general debate on agenda item 10, statements 2/ were made by the following members of the Commission: Algeria (52nd), Argentina (52nd), Belarus (48th), Brazil (53rd), Bulgaria (52nd), Canada (53rd), Chile (51st), China (48th, 53rd), Colombia (54th), Cuba (48th, 53rd), Egypt (48th), India (53rd), Indonesia (on behalf of the Organization of the Islamic Conference) (53rd, 54th), Japan (51st), Malaysia (53rd), Netherlands (on behalf of the European Union) (48th), Nicaragua (53rd), Pakistan (53rd), Russian Federation (53rd), South Africa (53rd), Sri Lanka (51st), United States of America (52nd), Zaire (47th).

320. The Commission heard statements by the observers for: Afghanistan (47th), Armenia (54th), Australia (54th), Azerbaijan (54th), Bosnia and Herzegovina (48th), Burundi (47th), Croatia (48th), Cyprus (51st), Equatorial Guinea (47th, 51st), Greece (52nd), Iran (Islamic Republic of) (54th), Iraq (51st, 56th), Kuwait (54th), Lebanon (48th), Myanmar (49th, 54th), New Zealand (54th), Nigeria (47th), Norway (51st), Portugal (52nd), Rwanda (47th), Solomon Islands (51st), Sudan (49th, 54th), Syrian Arab Republic (49th), the former Yugoslav Republic of Macedonia (48th), Venezuela (54th). The Observer for Switzerland also made a statement (54th).

321. The Commission also heard statements by the following non-governmental organizations: African Association of Education for Development (54th), African Commission of Health and Human Rights Promoters (52nd), Afro-Asian

Peoples' Solidarity Organization (52nd), Aliran Kesedaran Negara - National Consciousness Movement (54th), All China Women's Federation (54th), American Association of Jurists (52nd), Amnesty International (49th), Andean Commission of Jurists (51st), Anglican Consultative Council (51st), Arab Lawyers Union (50th), Arab Organization for Human Rights (52nd), Article XIX: The International Centre against Censorship (50th), Asian Cultural Forum on Development (50th), Association for World Education (54th), Baha'i International Community (50th), Catholic Institute for International Relations (51st), Centre for European Studies (51st), Centre Europe-Tiers Monde (50th), Christian Democrat International (50th), Christian Solidarity International (50th), Commission for the Defense of Human Rights in Central America (55th), Commission of the Churches on International Affairs of the World Council of Churches (52nd), Federación de Asociaciones de Defensa y Promoción de los Derechos Humanos (52nd), France-Libertés: Fondation Danielle Mitterrand (49th), Franciscans International (51st), Freedom House (51st), General Arab Women Federation (51st), Indian Council of Education (51st), International Association against Torture (50th), International Association for Religious Freedom (50th), International Association for the Defence of Religious Liberty (50th), International Association of Democratic Lawyers (55th), International Association of Educators for World Peace (52nd), International Centre for Human Rights and Democratic Development (50th), International Commission of Jurists (50th), International Confederation of Free Trade Unions (50th), International Educational Development, Inc. (50th), International Falcon Movement - Socialist Educational International (54th), International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities (49th), International Federation of ACAT (Action of Christians for the Abolition of Torture) (52nd), International Federation of Free Journalists (49th), International Federation of Human Rights Leagues (51st), International Federation of Journalists (52nd), International Federation of Rural Adult Catholic Movements (52nd), International Federation Terre des Hommes (50th), International Human Rights Association of American Minorities (51st), International Human Rights Law Group (52nd), International Indian Treaty Council (51st), International Institute for Non-Aligned Studies (54th), International Institute for Peace (54th), International Islamic Federation of Student Organizations (54th), International League for the Rights and Liberation of Peoples (51st), International Peace Bureau (52nd), International PEN (51st), International Progress Organization (54th), Inter-Parliamentary Union (49th), Latin American Federation of Associations of Relatives of Disappeared Detainees (50th), Movimiento Cubano por la Paz y la Soberanía de los Pueblos (51st), National Council of German Women's Organizations - Federal Union of Women's Organizations (52nd), North South XXI (50th), Pax Christi International (on behalf of the Movement against Racism and for Friendship among Peoples) (49th), Pax Romana (50th), Permanent Assembly for Human Rights (51st), Regional Council on Human Rights in Asia (52nd), Reporters without Borders - International (50th), Robert F. Kennedy Memorial (50th), Society for Threatened Peoples (50th), Survival International Limited (52nd), Transnational Radical Party (50th), United Towns Agency for North-South Cooperation (54th), War Resisters' International (52nd), Women's International Democratic Federation (50th), Women's International League for Peace and Freedom (52nd), World Alliance of Reformed Churches (52nd), World Christian Life Community (51st), World Federation of Democratic Youth (51st), World

Muslim Congress (52nd), World Organization against Torture (54th), World Peace Council (50th), World Society of Victimology (51st), Worldview International Foundation (54th)

322. Statements in exercise of the right of reply or its equivalent were made by the representatives of Algeria (48th, 55th), Brazil (55th), China (50th, 55th), Cuba (55th), Egypt (55th), Ethiopia (55th), India (55th), Mexico (51st), Nepal (55th), Nicaragua (55th) and Pakistan (55th), and by the observers for Armenia (55th), Azerbaijan (55th), Bahrain (55th), Cyprus (55th), the Democratic People's Republic of Korea (48th), Equatorial Guinea (55th), Estonia (55th), Greece (55th), the Islamic Republic of Iran (55th), Iraq (51st, 55th), Kenya (55th), Kuwait (55th), Latvia (55th), Nigeria (55th), Papua New Guinea (55th), Peru (55th), the Sudan (50th) and Turkey (55th).

Situation of human rights in Nigeria

323. At the 64th meeting, on 15 April 1997, the representative of the Netherlands introduced draft resolution E/CN.4/1997/L.40, sponsored by Australia, Austria, Belgium, Bulgaria, Canada, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Luxembourg, the Netherlands, Norway, Portugal, Romania, San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland and the United Kingdom of Great Britain and Northern Ireland. Argentina, Estonia, Japan, Liechtenstein and the United States of America subsequently joined the sponsors.

324. The representative of Egypt introduced a proposed amendment to draft resolution E/CN.4/1997/L.40 (E/CN.4/1997/L.109), sponsored by Algeria, Angola, Benin, Burundi, Cameroon, Cape Verde, Congo, Côte d'Ivoire, Egypt, Equatorial Guinea, Gabon, Ghana, Guinea, the Libyan Arab Jamahiriya, Madagascar, Morocco, Mozambique, Nigeria, Rwanda, Senegal, the Sudan, Togo, the United Republic of Tanzania and Zaire. Ethiopia, Mali and Tunisia subsequently joined the sponsors.

325. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution and the proposed amendment.

326. Statements in connection with the draft resolution and the proposed amendment were made by the representative of the Netherlands and by the Observer for Nigeria.

327. Statements in explanation of vote before the vote were made by the representatives of Algeria, Egypt, Malaysia, Mexico, South Africa and the United States of America.

328. At the request of the representative of the Netherlands, a roll-call vote was taken on the proposed amendment, which read as follows:

> "Replace subparagraph (a) of operative paragraph 4 with the following text:

'(a) To call upon the Government of Nigeria to ensure that the thematic Special Rapporteurs on the independence of judges and lawyers, and on extrajudicial, summary or arbitrary executions, undertake the visit to Nigeria without delay and report on the findings of that mission to the Commission on Human Rights at its fifty-fourth session;'"

The proposed amendment was rejected by 24 votes to 20, with 9 abstentions. The voting was as follows:

In favour: Algeria, Angola, Benin, Cape Verde, China, Cuba, Egypt, Ethiopia, Gabon, Guinea, India, Indonesia, Madagascar, Mali, Mozambique, Pakistan, Sri Lanka, Uganda, Zaire, Zimbabwe.

Against: Argentina, Austria, Belarus, Brazil, Bulgaria, Canada, Chile, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, France, Germany, Ireland, Italy, Japan, Netherlands, Nicaragua, South Africa, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Abstaining: Bangladesh, Bhutan, Colombia, Malaysia, Mexico, Nepal, Philippines, Republic of Korea, Russian Federation.

329. At the request of the representative of Egypt, a roll-call vote was taken on the draft resolution, which was adopted by 28 votes to 6, with 19 abstentions. The voting was as follows:

In favour: Argentina, Austria, Belarus, Brazil, Bulgaria, Canada, Chile, Colombia, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, France, Germany, Ireland, Italy, Japan, Netherlands, Nicaragua, Republic of Korea, Russian Federation, South Africa, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Against: Benin, China, Cuba, Gabon, Indonesia, Zaire.

Abstaining: Algeria, Angola, Bangladesh, Bhutan, Cape Verde, Egypt, Ethiopia, Guinea, India, Madagascar, Malaysia, Mali, Mexico, Mozambique, Nepal, Pakistan, Philippines, Sri Lanka, Zimbabwe.

330. At the 70th meeting, on 18 April 1997, the representative of Egypt made a statement in explanation of vote.

331. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/53.

Situation of human rights in the Islamic Republic of Iran

332. At the 64th meeting, on 15 April 1997, the representative of the Netherlands introduced draft resolution E/CN.4/1997/L.46, sponsored by Australia, Austria, Belgium, Denmark, Finland, France, Germany, Greece,

Hungary, Iceland, Ireland, Italy, Luxembourg, the Netherlands, Norway, Portugal, San Marino, Spain, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Canada, the Czech Republic, Estonia, Japan, Liechtenstein, Romania and Slovakia subsequently joined the sponsors.

333. The representative of the Netherlands orally revised the draft resolution by replacing the word "Mehrdad", in operative paragraph 2 (d), by "Khordad".

334. A statement in connection with the draft resolution was made by the Observer for the Islamic Republic of Iran.

335. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

336. Statements in explanation of vote before the vote were made by the representatives of Bangladesh, Colombia, Indonesia (on behalf of the Organization of the Islamic Conference), Pakistan and the Philippines.

337. At the request of the representatives of Colombia, Indonesia and Pakistan, a roll-call vote was taken on the draft resolution, as orally revised, which was adopted by 26 votes to 7, with 19 abstentions. The voting was as follows:

In favour: Algeria, Argentina, Austria, Brazil, Bulgaria, Canada, Chile, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, France, Germany, Ireland, Italy, Japan, Mexico, Netherlands, Nicaragua, Russian Federation, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Zaire.

Against: Bangladesh, China, Cuba, India, Indonesia, Malaysia, Pakistan.

Abstaining: Angola, Belarus, Benin, Bhutan, Cape Verde, Colombia, Egypt, Gabon, Guinea, Madagascar, Mali, Mozambique, Nepal, Philippines, Republic of Korea, South Africa, Sri Lanka, Uganda, Zimbabwe.

338. At the 70th meeting, on 18 April 1997, the representative of Egypt made a statement in explanation of vote.

339. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/54.

Human rights situation in southern Lebanon and West Bekaa

340. At the 64th meeting, on 15 April 1997, the representative of Egypt introduced draft resolution E/CN.4/1997/L.83, sponsored by Algeria, Bahrain Bangladesh, Cuba, Egypt, Indonesia, Jordan, Kuwait, Lebanon, Malaysia,

Morocco, Oman, Qatar, the Sudan, the Syrian Arab Republic, Tunisia, the United Arab Emirates and Yemen. Pakistan subsequently joined the sponsors.

341. The draft resolution was orally revised by the representative of Egypt as follows:

(a) In the second preambular paragraph, the word "resolution" was replaced by "resolutions" and the words "and 509 (1982) of 6 June 1982" were added at the end of the paragraph;

(b) In operative paragraph 2, the word "resolution" was replaced by "resolutions" and, after "19 March 1978", the words "and 509 (1982) of 6 June 1982" were inserted.

342. Statements in connection with the draft resolution were made by the observers for Israel and Lebanon.

343. The representative of the United States of America requested a vote by show of hands. At the request of the representative of Egypt, a roll-call vote was taken on the draft resolution, as orally revised, which was adopted by 51 votes to 1, with 1 abstention. The voting was as follows:

In favour: Algeria, Angola, Argentina, Austria, Bangladesh, Belarus, Benin, Bhutan, Brazil, Bulgaria, Canada, Cape Verde, Chile, China, Colombia, Cuba, Czech Republic, Denmark, Ecuador, Egypt, El Salvador, Ethiopia, France, Gabon, Germany, Guinea, India, Indonesia, Ireland, Italy, Japan, Madagascar, Malaysia, Mali, Mexico, Mozambique, Nepal, Netherlands, Nicaragua, Pakistan, Philippines, Republic of Korea, Russian Federation, South Africa, Sri Lanka, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Zaire, Zimbabwe.

Against: United States of America.

Abstaining: Dominican Republic.

344. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/55.

Cooperation with representatives of United Nations human rights bodies

345. At the 64th meeting, on 15 April 1997, the Observer for Hungary introduced draft resolution E/CN.4/1997/L.85, sponsored by Argentina, Australia, Austria, Chile, the Czech Republic, Denmark, Haiti, Hungary, Ireland, Italy, Japan, Madagascar, Norway, Romania, Senegal, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Brazil, Canada, the Netherlands and Uruguay subsequently joined the sponsors.

346. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/56.

Situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)

347. At the 65th meeting, on 15 April 1997, the representative of the United States of America introduced draft resolution E/CN.4/1997/L.88, sponsored by Austria, Belgium, Bulgaria, Canada, Cyprus, the Czech Republic, Denmark, Finland, Germany, Greece, Hungary, Italy, Latvia, Norway, Poland, the Republic of Korea, Romania, San Marino, Slovenia, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Albania, France, Liechtenstein, Luxembourg, New Zealand, Portugal, Slovakia and Spain subsequently joined the sponsors.

348. The draft resolution was orally revised by the representative of the United States of America as follows:

(a) In operative paragraphs 13 (b) and 28 (b), the words "Commission of Inquiry" were replaced by "Council of Europe";

(b) In operative paragraph 22 (g), "1996" was replaced by "1997".

349. Statements in connection with the draft resolution were made by the representatives of Indonesia (on behalf of the Organization of the Islamic Conference) and the Russian Federation and by the observers for Bosnia and Herzegovina, Croatia and the former Yugoslav Republic of Macedonia.

350. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

351. Statements in explanation of vote before the vote were made by the representatives of the Netherlands and Uruguay.

352. At the request of the representative of the Russian Federation, a roll-call vote was taken on operative paragraphs 18, 29 (d), 29 (f), 29 (g), 29 (h) and 31 together. The Commission decided, by 35 votes to none, with 16 abstentions, to retain these paragraphs. The voting was as follows:

In favour: Algeria, Argentina, Austria, Bangladesh, Benin, Bhutan, Brazil, Bulgaria, Canada, Chile, Czech Republic, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, France, Gabon, Germany, Ireland, Italy, Japan, Malaysia, Netherlands, Nicaragua, Pakistan, Philippines, Republic of Korea, South Africa, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Zaire.

Against: None.

Abstaining: Angola, Belarus, Cape Verde, China, Colombia, Guinea, India, Indonesia, Madagascar, Mali, Mexico, Mozambique, Nepal, Russian Federation, Sri Lanka, Zimbabwe.

353. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/57.

Situation of human rights in Zaire

354. At the 65th meeting, on 15 April 1997, the representative of the Netherlands introduced draft resolution E/CN.4/1997/L.89, sponsored by Austria, Belgium, Bulgaria, Canada, Chile, Cyprus, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Luxembourg, the Netherlands (on behalf of the European Union), Portugal, Romania, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland. Argentina, Australia, Estonia, Japan, Norway, Poland, Slovakia and Switzerland subsequently joined the sponsors.

355. Statements in connection with the draft resolution were made by the representatives of Algeria, China, Egypt and Zaire.

356. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

357. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/58.

Situation of human rights in the Sudan

358. At the 65th meeting, on 15 April 1997, the representative of the United States of America introduced draft resolution E/CN.4/1997/L.90, sponsored by Australia, Austria, Bulgaria, Canada, the Czech Republic, Denmark, Finland, Germany, Hungary, Iceland, Italy, the Netherlands, Norway, Romania, Slovakia, Spain, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Argentina, Belgium, France, Greece, Ireland, Israel, Japan, Liechtenstein and Luxembourg subsequently joined the sponsors.

359. A statement in connection with the draft resolution was made by the observer for the Sudan.

360. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

361. Statements in explanation of vote before the vote were made by the representatives of Algeria and Egypt.

362. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/59.

Situation of human rights in China

363. At the 65th meeting, on 15 April 1997, the representative of Denmark introduced draft resolution E/CN.4/1997/L.91, sponsored by Austria, Belgium, Denmark, Finland, Iceland, Ireland, Liechtenstein, Luxembourg, the Netherlands, Norway, Portugal, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America. The draft resolution read as follows:

"Situation of human rights in China

"The Commission on Human Rights,

"*Reaffirming* that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

"*Mindful* that China is a party to the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of the Child,

"*Recognizing* the significant transformation Chinese society has undergone since the introduction of the reform policies and the successful efforts of the Government of China in the development of the economic situation of the country and in reducing the share of its people living in extreme poverty, thus enhancing the enjoyment of economic rights,

"*Taking note* of the reports of the Special Rapporteurs on the question of torture and other cruel, inhuman or degrading treatment or punishment (E/CN.4/1997/7), on freedom of opinion and expression (E/CN.4/1997/31), on the independence of judges and lawyers (E/CN.4/1997/32), on violence against women (E/CN.4/1997/47), on extrajudicial, summary or arbitrary executions (E/CN.4/1997/60) and on all forms of intolerance and of discrimination based on religion or belief (E/CN.4/1997/91), as well as the reports of the Working Group on Arbitrary Detention (E/CN.4/1997/4 and Add.1) and the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1997/34),

"1. *Welcomes*

"(a) The readiness of the Government of China to exchange information on human rights issues;

"(b) Progress on the codification of China's legal practice, including changes to China's criminal procedure law;

"(c) China's expressed interest in acceding to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights;

"2. Expresses its concern

"(a) At continuing reports of violations of human rights and fundamental freedoms in China by local, provincial and national authorities and severe restrictions on the rights of citizens to the freedoms of assembly, association, expression and religion as well as to due legal process and to a fair trial;

"(b) At increased restrictions on the exercise of cultural, religious and other freedoms of Tibetans, including the case of the eleventh Panchen Lama, Gedhun Choekyi Nyima;

"(c) At the persecution and harsh sentences imposed on persons who have peacefully availed themselves of their freedom of assembly, association, expression or religion;

"3. Calls upon the Government of China

"(a) To ensure the observance of all human rights in accordance with its obligations under the human rights conventions to which it is a party, and to become party to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights;

"(b) To take further measures to improve the impartial administration of justice;

"(c) To release political prisoners;

"(d) To preserve and protect the distinct cultural, ethnic, linguistic and religious identity of Tibetans and others;

"(e) To continue to strengthen its bilateral dialogues as an important instrument of mutual information and cooperation, with a view to reaching further positive developments before the next session of the Commission on Human Rights;

"(f) To cooperate fully with all thematic special rapporteurs and working groups of the Commission on Human Rights and to engage in a dialogue with the United Nations High Commissioner for Human Rights in accordance with the High Commissioner's mandate;

"4. Decides to request the High Commissioner for Human Rights to report on the progress of the High Commissioner's dialogue with the Government of China and on the points reflected in the present resolution to the Commission on Human Rights at its fifty-fourth session."

364. A statement in connection with the draft resolution was made by the representative of China. Under rule 65, paragraph 2, of the rules of procedure of the functional commissions of the Economic and Social Council, the representative of China moved that the Commission take no decision on the draft resolution.

365. Statements in connection with that motion were made by the representatives of Algeria, Angola, Austria, Bangladesh, Canada, Cuba, the Czech Republic, Denmark, Egypt, El Salvador, France, Germany, Ireland, Italy, Japan, Malaysia, Nepal, the Netherlands, Pakistan, the Republic of Korea, Sri Lanka, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

366. At the request of the representative of China, a roll-call vote was taken on the motion, which was carried by 27 votes to 17, with 9 abstentions. The voting was as follows:

In favour: Algeria, Angola, Bangladesh, Belarus, Benin, Bhutan, Cape Verde, China, Colombia, Cuba, Egypt, Ethiopia, Gabon, Guinea, India, Indonesia, Madagascar, Malaysia, Mali, Mozambique, Nepal, Pakistan, Sri Lanka, Uganda, Ukraine, Zaire, Zimbabwe.

Against: Austria, Bulgaria, Canada, Chile, Czech Republic, Denmark, El Salvador, France, Germany, Ireland, Italy, Japan, Netherlands, Nicaragua, South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Brazil, Dominican Republic, Ecuador, Mexico, Philippines, Republic of Korea, Russian Federation, Uruguay.

Extrajudicial, summary or arbitrary executions

367. At the 66th meeting, on 16 April 1997, the Observer for Sweden introduced draft resolution E/CN.4/1997/L.92, sponsored by Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Chile, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Kenya, Latvia, Liechtenstein, Luxembourg, Madagascar, the Netherlands, Norway, Poland, Portugal, Romania, San Marino, Senegal, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, the United Kingdom of Great Britain and Northern Ireland and Uruguay. Bolivia, New Zealand and Venezuela subsequently joined the sponsors.

368. The draft resolution was orally revised by the Observer for Sweden as follows:

(a) At the end of the first preambular paragraph, the words "and the relevant provisions of the International Covenant on Civil and Political Rights," were added;

(b) In the second preambular paragraph, the words "the relevant provisions of the International Covenant on Civil and Political Rights and the other conventions, protocols, declarations and resolutions that form" were deleted;

(c) In operative paragraph 7, after "mandate", the words "to collect information from all concerned and" were inserted and, after "comments of", the words "all concerned, including" were deleted.

369. A statement in explanation of vote before the vote was made by the representative of the Russian Federation.

370. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/61.

Human rights in Cuba

371. At the 66th meeting, on 16 April 1997, the representative of the United States of America introduced draft resolution E/CN.4/1997/L.94, sponsored by Australia, Belgium, Bulgaria, Canada, the Czech Republic, Denmark, Germany, Honduras, Hungary, Iceland, Israel, Italy, Nicaragua, Romania, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Finland, France, Luxembourg, the Netherlands, Norway, Portugal and Switzerland subsequently joined the sponsors.

372. The representative of the United States of America orally revised the draft resolution by replacing the word "*Noting*", in the second preambular paragraph, by "*Recalling also*".

373. Statements in connection with the draft resolution were made by the representatives of Algeria, China, India and Indonesia.

374. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

375. Statements in explanation of vote before the vote were made by the representatives of Chile and Cuba.

376. At the request of the representative of Cuba, a roll-call vote was taken on the draft resolution, as orally revised, which was adopted by 19 votes to 10, with 24 abstentions. The voting was as follows:

In favour: Argentina, Austria, Bulgaria, Canada, Chile, Czech Republic, Denmark, El Salvador, France, Germany, Ireland, Italy, Japan, Netherlands, Nicaragua, Republic of Korea, United Kingdom of Great Britain and Northern Ireland and

Against: Belarus, Bhutan, China, Cuba, India, Indonesia, South Africa, Uganda, Zaire, Zimbabwe.

Abstaining: Algeria, Angola, Bangladesh, Benin, Brazil, Cape Verde, Colombia, Dominican Republic, Ecuador, Egypt, Ethiopia, Gabon, Guinea, Madagascar, Malaysia, Mali, Mexico, Mozambique, Nepal, Pakistan, Philippines, Russian Federation, Sri Lanka, Ukraine.

377. At the 70th meeting, on 18 April 1997, the representatives of Egypt and Mexico made statements in explanation of vote.

378. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/62.

Situation of human rights in Iraq

379. At the 66th meeting, on 16 April 1997, the representative of the Netherlands introduced draft resolution E/CN.4/1997/L.95, sponsored by Argentina, Austria, Belgium, Canada, Cyprus, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Kuwait, Luxembourg, the Netherlands, Norway, Portugal, Romania, San Marino, Slovakia, Spain, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Australia, Estonia, Japan and Liechtenstein subsequently joined the sponsors.

380. Statements in connection with the draft resolution were made by the representatives of Algeria, Mexico and the Netherlands and by the observers for Iraq and Kuwait.

381. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

382. A statement in explanation of vote before the vote was made by the representative of Egypt.

383. At the request of the representative of Cuba, a roll-call vote was taken on the draft resolution, which was adopted by 31 votes to none, with 22 abstentions. The voting was as follows:

In favour: Argentina, Austria, Belarus, Brazil, Bulgaria, Canada, Chile, Colombia, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, France, Germany, Guinea, Ireland, Italy, Japan, Mexico, Netherlands, Nicaragua, Republic of Korea, Russian Federation, South Africa, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Zaire.

Against: None.

Abstaining: Algeria, Angola, Bangladesh, Benin, Bhutan, Cape Verde, China, Cuba, Egypt, Gabon, India, Indonesia, Madagascar, Malaysia, Mali, Mozambique, Nepal, Pakistan, Philippines, Sri Lanka, Uganda, Zimbabwe.

384. At the 70th meeting, on 18 April 1997, the representative of Egypt made a statement in explanation of vote.

385. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/60.

Situation of human rights in East Timor

386. At the 66th meeting, on 16 April 1997, the representative of the Netherlands introduced draft resolution E/CN.4/1997/L.96, sponsored by Angola, Austria, Belgium, Canada, Cape Verde, Denmark, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Luxembourg, Mozambique, the Netherlands, Norway, Portugal, Spain, Sweden, Switzerland and the United Kingdom of Great Britain and Northern Ireland. Brazil, Bulgaria, the Czech Republic, Estonia, Hungary, Liechtenstein, Slovakia and the United States of America subsequently joined the sponsors.

387. Statements in connection with the draft resolution were made by the representatives of Algeria, Bangladesh, Egypt, India, Indonesia, the Netherlands and Pakistan.

388. Statements in explanation of vote before the vote were made by the representatives of Malaysia, the Philippines and the Republic of Korea.

389. At the request of the representative of Indonesia, a roll-call vote was taken on the draft resolution, which was adopted by 20 votes to 14, with 18 abstentions. The voting was as follows:

In favour: Angola, Austria, Brazil, Bulgaria, Canada, Cape Verde, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, France, Germany, Ireland, Italy, Mozambique, Netherlands, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Against: Bangladesh, Bhutan, China, Cuba, Egypt, India, Indonesia, Madagascar, Malaysia, Nepal, Pakistan, Philippines, Sri Lanka, Zimbabwe.

Abstaining: Algeria, Argentina, Belarus, Benin, Chile, Colombia, Ethiopia, Gabon, Guinea, Japan, Mali, Mexico, Nicaragua, Republic of Korea, Russian Federation, South Africa, Uganda, Zaire.

390. At the 70th meeting, on 18 April 1997, the representative of Japan made a statement in explanation of vote.

391. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/63.

Situation of human rights in Myanmar

392. At the 67th meeting, on 16 April 1997, the representative of the Netherlands introduced draft resolution E/CN.4/1997/L.97, sponsored by Australia, Austria, Belgium, Bulgaria, Canada, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Luxembourg, the Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Spain, Sweden, Switzerland and the United Kingdom of Great Britain and Northern Ireland. Malta and the United States of America subsequently joined the sponsors.

393. A statement in connection with the draft resolution was made by the Observer for Myanmar.

394. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

395. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/64.

Situation of human rights in Afghanistan

396. At the 67th meeting, on 16 April 1997, the Chairman introduced draft resolution E/CN.4/1997/L.110, submitted by the Chairman.

397. The draft resolution was orally revised by the Chairman as follows:

(a) After the fifth preambular paragraph, two new preambular paragraphs were inserted;

(b) In the sixth preambular paragraph, the word "Recalling" was replaced by "Noting";

(c) At the end of the eighth preambular paragraph, the words "throughout the country" were deleted;

(d) In operative paragraph 2, after "Afghanistan, which", the words "in some cases" were deleted, and before "the return", the words "to permit" were deleted.

398. A statement in connection with the draft resolution, as orally revised, was made by the representative of Pakistan.

399. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

400. The draft resolution, as orally revised, was adopted without a vote.

resolution 1997/65.

Situation of human rights in Rwanda

401. At the 67th meeting, on 16 April 1997, the representative of Egypt introduced draft resolution E/CN.4/1997/L.81, sponsored by Belgium, Egypt (on behalf of the Group of African States), Germany, Ireland, Italy, the Netherlands and Spain. Argentina, Australia, Austria, Bulgaria, Canada, Denmark, Finland, France, Greece, Israel, Liechtenstein, Luxembourg, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America subsequently joined the sponsors.

402. Statements in connection with the draft resolution were made by the representatives of Canada, the Netherlands (on behalf of the European Union) and Zaire and by the Observer for Rwanda.

403. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/66.

Situation of human rights in Equatorial Guinea and assistance in the field of human rights

404. At the 67th meeting, on 16 April 1997, the representative of Egypt introduced draft resolution E/CN.4/1997/L.84/Rev.1, sponsored by Egypt (on behalf of the Group of African States). The United States of America subsequently joined the sponsors.

405. The draft resolution was orally revised by the representative of Egypt as follows:

(a) In operative paragraph 5, the words "continue the reform of" were replaced by "reform";

(b) In operative paragraph 8 (a), the word "regulation" was replaced by "regular";

(c) In operative paragraph 8 (c), the words "of judicial decisions" were moved to appear after "security forces";

(d) In operative paragraph 10, the words "United Nations High Commissioner for Human Rights" were replaced by "High Commissioner/Centre for Human Rights".

(e) In operative paragraph 11, the word "project" was replaced by "projects".

406. A statement in connection with the draft resolution was made by the Observer for Equatorial Guinea.

407. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget

408. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/67.

Situation of human rights in Burundi

409. At the 70th meeting, on 18 April 1997, the representative of Egypt introduced draft resolution E/CN.4/1997/L.82/Rev.1, sponsored by Egypt (on behalf of the Group of African States). Belgium, Ireland, the Netherlands, Norway and Sweden subsequently joined the sponsors.

410. A statement in connection with the draft resolution was made by the Observer for Burundi.

411. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

412. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/77.

(a) Question of human rights in Cyprus

413. At the 67th meeting, on 16 April 1997, the Chairman submitted a draft decision on the question of human rights in Cyprus.

414. The draft decision was adopted without a vote. For the text of the decision as adopted, see chapter II, section B, decision 1997/121.

(b) Study of situations which appear to reveal a consistent pattern of gross violations of human rights as provided for in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII): report of the Working Group on Situations established by Economic and Social Council resolution 1990/41 of 25 May 1990

415. The Commission considered agenda item 10 (b) in closed session at its 40th to 42nd meetings, on 4 April, and at its 44th meeting, on 7 April 1997. It had before it for consideration under Economic and Social Council resolution 1503 (XLVIII) the human rights situations in Antigua and Barbuda, Botswana, Chad, the Czech Republic, Estonia, the Gambia, Kyrgyzstan, Latvia, Lebanon, Lithuania, Saudi Arabia, Sierra Leone, the Syrian Arab Republic, the United Republic of Tanzania, the United States of America and Uzbekistan, as publicly announced by the Chairman. The Chairman also announced that the Commission had decided to discontinue consideration of the human rights situations in Antigua and Barbuda, Botswana, the Czech Republic, Estonia, Latvia, Lebanon, Lithuania, the Syrian Arab Republic, the United Republic of Tanzania, the United States of America and Uzbekistan.

416. The Chairman reminded the members of the Commission that, in conformity with paragraph 8 of Economic and Social Council resolution 1503 (XLVIII), they should not make any reference in public debate to the confidential decisions taken under that resolution or to any confidential material relating thereto.

417. In accordance with rule 21 of the rules of procedure of the functional commissions of the Economic and Social Council, and after consultations with the regional groups, the Chairman would designate five members of the Commission to serve in their personal capacity on the Working Group on Situations to meet prior to the fifty-fourth session of the Commission in 1998.

XI. MEASURES TO IMPROVE THE SITUATION AND ENSURE THE HUMAN RIGHTS AND DIGNITY OF ALL MIGRANT WORKERS

418. The Commission considered agenda item 11 concurrently with items 17 and 19 (see chaps. XVII and XIX) at its 19th to 23rd meetings, from 21 to 25 March, and at its 37th meeting, on 3 April 1997. 1/

419. For the documents issued under agenda item 11, see annex IV to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairman's statements, by agenda item, see annex V to the present report.

420. In the general debate on agenda item 11, statements 2/ were made by the following members of the Commission: Angola (21st), Bangladesh (22nd), Chile (22nd), Egypt (22nd), El Salvador (21st), Mexico (19th), Pakistan (22nd), Philippines (21st).

421. The Commission heard statements by the observers for: Morocco (20th), Turkey (22nd).

422. The Commission also heard statements by the following non-governmental organizations: African Association of Education for Development (21st), Commission of the Churches on International Affairs of the World Council of Churches (21st), Human Rights Advocates, Inc. (19th), International Confederation of Free Trade Unions (21st), Movement against Racism and for Friendship among Peoples (21st), Women's International League for Peace and Freedom (23rd).

423. At its 37th meeting, on 3 April 1997, the Commission took up consideration of the draft resolutions submitted under agenda item 11.

Violence against women migrant workers

424. The representative of the Philippines introduced draft resolution E/CN.4/1997/L.14, sponsored by Chile, El Salvador, Indonesia, Iraq, the Marshall Islands, Mexico, Mongolia, Morocco, Nepal, Nicaragua, Nigeria, Pakistan, Peru, the Philippines, South Africa and Sri Lanka. Bangladesh, Belgium, Cape Verde, Madagascar, Portugal and the Republic of Korea subsequently joined the sponsors.

425. The draft resolution was adopted without a vote.

426. The representative of the United States of America made a statement in connection with the resolution after its adoption.

427. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/13.

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

the Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Guatemala, Honduras, Mexico, Morocco, Nicaragua, Paraguay, the Philippines, Sri Lanka, Tunisia and Turkey. Bangladesh, Madagascar, Peru and Portugal subsequently joined the sponsors.

429. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/14.

Migrants and human rights

430. The representative of Mexico introduced draft resolution E/CN.4/1997/L.30, sponsored by Algeria, Bangladesh, Benin, Bolivia, Brazil, Cameroon, Cape Verde, Chile, Colombia, Cuba, the Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Guatemala, Haiti, Honduras, India, Indonesia, Madagascar, Mexico, Morocco, Mozambique, Nicaragua, Nigeria, Pakistan, Panama, Paraguay, Peru, the Philippines, Senegal, Sri Lanka, Tunisia, Turkey, Uganda, Uruguay, Yemen, Zaire and Zimbabwe. Angola, Argentina, Ireland and Portugal subsequently joined the sponsors.

431. The draft resolution was orally revised by the representative of Mexico as follows:

(a) New second and third preambular paragraphs replaced the second preambular paragraph, which read as follows:

> "Affirming that every State must ensure the rights recognized in the International Covenant on Civil and Political Rights, take steps to realize the rights recognized in the International Covenant on Economic, Social and Cultural Rights and protect the human rights recognized in other applicable international instruments, for all individuals within its territory and subject to its jurisdiction,";

(b) A new text replaced operative paragraph 1, which read as follows:

> "1. Acknowledges that the principles and standards embodied in the principal instruments regarding the international protection of human rights, in particular the Universal Declaration of Human Rights, the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child, apply to everyone, including migrants, regardless of their legal situation;";

(c) A new text replaced operative paragraph 2, which read as follows:

> "2. Requests States, in conformity with their respective constitutional systems and international instruments, such as the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable international human rights instruments, effectively to promote and protect the fundamental human rights of all migrants;";

the approved overall budget level for the current biennium," were inserted;

(e) A new text replaced subparagraph (a) of operative paragraph 3, which read as follows:

> "(a) Study the existing obstacles to the effective and full protection of the human rights of all migrants;";

(f) A new text replaced subparagraph (b) of operative paragraph 3, which read as follows:

> "(b) Elaborate minimum standards and policy guidelines to ensure the effective and full protection of the human rights of all migrants;";

(g) Subparagraph (c) of operative paragraph 3, which read:

> "(c) Recommend any further measures it deems appropriate for the protection of the rights of all migrants and to promote mutual understanding between and among migrants and societies in which they find themselves;"

was deleted.

432. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

433. A statement in connection with the draft resolution, as orally revised, was made by the representative of Malaysia.

434. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/15.

XII. HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS

435. The Commission considered agenda item 12 at its 63rd meeting, on 15 April, and at its 67th meeting, on 16 April 1997. 1/

436. For the documents issued under agenda item 12, see annex IV to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairman's statements, by agenda item, see annex V to the present report.

437. In the general debate on agenda item 12, the Commission heard a statement by the Observer for Iraq (63rd).

438. A statement was also made by the Observer for the United Nations Educational, Scientific and Cultural Organization (63rd).

439. The Commission also heard statements by the following non-governmental organizations: United Towns Agency for North-South Cooperation (63rd), World Federation of United Nations Associations (63rd).

440. At its 67th meeting, on 16 April 1997, the Commission took up consideration of the draft resolution and decision submitted under agenda item 12.

Human rights and the follow-up to the guidelines for the regulation of computerized personal data files

441. The representative of France introduced draft decision E/CN.4/1997/L.103, sponsored by France.

442. The draft decision was adopted without a vote. For the text of the decision as adopted, see chapter II, section B, decision 1997/122.

Human rights and bioethics

443. The representative of France introduced draft resolution E/CN.4/1997/L.106, sponsored by Afghanistan, Angola, Argentina, Belgium, France, Georgia, Italy, Madagascar, Poland, the Republic of Korea, Romania, Spain and San Marino. Greece and India subsequently joined the sponsors.

444. The draft resolution was orally revised by the representative of France as follows:

(a) Operative paragraph 4 was moved to become the new penultimate preambular paragraph, the words "Takes note" being replaced by "Taking note also", and the subsequent paragraphs being renumbered accordingly;

(b) In former operative paragraph 5, the words ", including his identity and unity together with his dignity" were replaced by "and his dignity, as well as his identity and unity".

445. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/71.

XIII. IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE THIRD DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION

446. The Commission considered agenda item 13 at its 9th to 11th meetings, on 14 and 17 March, and at its 68th and 70th meetings, on 18 April 1997. 1/

447. For the documents issued under agenda item 13, see annex IV to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairman's statements, by agenda item, see annex V to the present report.

448. At the 11th meeting, on 17 March 1997, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mr. Maurice Glélé-Ahanhanzo, introduced his reports (E/CN.4/1996/72/Add.2-4 and E/CN.4/1997/71 and Add.1 and 2).

449. In the general debate on agenda item 13, statements 2/ were made by the following members of the Commission: Algeria (11th), Argentina (9th), Brazil (10th), China (9th), Cuba (10th), Egypt (9th), India (11th), Indonesia (11th), Nepal (9th), Netherlands (on behalf of the European Union, Bulgaria, Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia, Slovenia) (9th), Pakistan (10th), Russian Federation (11th), South Africa (11th), Uganda (11th), United States of America (11th), Zimbabwe (11th).

450. The Commission heard statements by the observers for: Cyprus (11th), Iran (Islamic Republic of) (11th), Israel (11th), Libyan Arab Jamahiriya (11th), Senegal (10th), Syrian Arab Republic (11th), Turkey (11th).

451. A statement was also made by the Observer for the International Labour Organization (9th).

452. The Commission also heard statements by the following non-governmental organizations: African Association of Education for Development (10th), Afro-Asian Peoples' Solidarity Organization (10th), Centre Europe-Tiers Monde (11th), Christian Solidarity International (9th), Himalayan Research and Cultural Foundation (11th), Human Rights Advocates, Inc. (10th), International Association of Educators for World Peace (11th), International Federation of Human Rights Leagues (11th), International League for the Rights and Liberation of Peoples (10th), International Movement against All Forms of Discrimination and Racism (9th), International Youth and Student Movement for the United Nations (11th), Minority Rights Group (11th), Movement against Racism and for Friendship among Peoples (10th), Women's International League for Peace and Freedom (10th), World Federation of United Nations Associations (10th).

Measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance

453. At its 68th meeting, on 18 April 1997, the Commission decided to consider together draft resolutions E/CN.4/1997/L.9/Rev.1, on measures to

combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and E/CN.4/1997/L.12/Rev.1, on racism, racial discrimination, xenophobia and related intolerance.

454. The Observer for Turkey introduced draft resolution E/CN.4/1997/L.9/Rev.1, sponsored by Azerbaijan, Canada, Turkey, the United States of America and Uruguay. Bosnia and Herzegovina, Chile, the Dominican Republic, Israel and Norway subsequently joined the sponsors.

455. The draft resolution was orally revised by the Observer for Turkey as follows:

(a) At the end of the eighth preambular paragraph, the words "that under international law, racism is not an opinion but an offence," were deleted;

(b) In operative paragraph 1, after "Takes note", the words "with interest" were deleted;

(c) In operative paragraph 2, before "support", the word "full" was deleted;

(d) In operative paragraph 18, before "assistance", the word "necessary" was replaced by "appropriate".

456. At the same meeting, the amendments to draft resolution E/CN.4/1997/L.9/Rev.1 proposed by Cuba (E/CN.4/1997/L.113) were withdrawn. The proposed amendments read as follows:

> "1. After operative paragraph 4, insert the following new operative paragraph:
>
> 'Also expresses its profound concern at and unequivocal condemnation of propaganda, activities and organizations based on doctrines of superiority of one race or group of persons, of one colour or belief-system which attempt to justify or promote racism and racial discrimination in any form;'
>
> "2. After operative paragraph 18, insert the following new operative paragraph:
>
> 'Recommends to the General Assembly, through the Economic and Social Council, that the world conference on racism and racial discrimination, xenophobia and related intolerance be convened not later than the year 2001;'."

457. At the same meeting, the representative of Egypt introduced draft resolution E/CN.4/1997/L.12/Rev.1, sponsored by China, Cuba, Egypt (on behalf of the Group of African States), India, Indonesia, Nicaragua and Sri Lanka. Brazil, Chile, El Salvador and Turkey subsequently joined the sponsors.

458. The draft resolution was orally revised by the representative of Egypt as follows:

(a) The thirteenth preambular paragraph, which read:

> "Noting the conclusion contained in the final report of the Special Rapporteurs on freedom of opinion and expression of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/1992/9) that, under international law, racism is not an opinion but an offence,"

was deleted;

(b) Operative paragraph 11, which read:

> "11. Also takes note of the conclusion of the Special Rapporteurs of the Sub-Commission on Prevention of Discrimination and Protection of Minorities as contained in their final report (E/CN.4/Sub.2/1992/9) that, under international law, racism is not an opinion but an offence;"

was deleted, the subsequent paragraphs being renumbered accordingly;

(c) In former operative paragraph 14, the words "United Nations" were replaced by "General Assembly"; after "consider", the words "all ways and means of" were inserted; and after "Programme of Action", the words "through other means" were deleted;

(d) In former operative paragraph 15, after "Programme of Action for the Third Decade", the words "to Combat Racism and Racial Discrimination" were added, and the words "and requests the General Assembly to consider, in taking its decision on the programme budget for the 1998-1999 biennium, ensuring that the financial and personnel resources required for the implementation of the Programme of Action are adequately met, taking into account the above-mentioned report" were replaced by a new text;

(e) In former operative paragraph 22, the words "especially with regard to" were replaced by "with particular reference to";

(f) In former operative paragraph 26, after "Takes note", the words "with interest" were deleted;

(g) Former operative paragraph 43 was moved to become new operative paragraph 50;

(h) In former operative paragraph 44, a new subparagraph (a) was inserted;

(i) In former operative paragraph 44 (a), before "instruments", the words "the implementation of the existing" were inserted, and the words "dealing with the fight against" were replaced by "to combat";

(j) In former operative paragraph 44 (b), after "awareness", the word "of" was replaced by "about";

(k) In former operative paragraph 44 (c), the word "fighting" was replaced by "combating", and the words "racism and racial discrimination" were replaced by "racism, racial discrimination, xenophobia and related intolerance";

(l) Former operative paragraph 44 (d) was moved to the end of the same paragraph and the words "racism and racial discrimination" were replaced by "racism, racial discrimination, xenophobia and related intolerance";

(m) In former operative paragraph 44 (e), the word "study" was replaced by "review" and the words "social and cultural" were replaced by "social, cultural and any other";

(n) After former operative paragraph 45, a new operative paragraph was inserted (new operative paragraph 44), the subsequent paragraphs being renumbered accordingly;

(o) In former operative paragraph 49 (a), the words "to establish national or regional committees to prepare" were replaced by "to hold national or regional meetings or to take other initiatives in preparation";

(p) Former operative paragraph 49 (b), which read:

> "(b) To request these national or regional committees to notify the Secretary-General of their establishment with a view to holding national or regional meetings not later than the year 1999;"

was deleted.

459. Statements in connection with draft resolutions E/CN.4/1997/L.9/Rev.1 and E/CN.4/1997/L.12/Rev.1, as orally revised, were made by the representatives of Algeria, Bangladesh, Brazil, Canada (on behalf of Japan, Liechtenstein, Norway and Switzerland), Cuba, Egypt, India, Indonesia (on behalf of the Organization of the Islamic Conference) and Pakistan.

460. In accordance with rule 28 of the rules of procedures of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the two draft resolutions. In that regard, a statement of the estimated administrative and programme budget implications of draft resolution E/CN.4/1997/L.12/Rev.1 was issued in document E/CN.4/1997/L.115.

461. In connection with draft resolution E/CN.4/1997/L.9/Rev.1, as orally revised, statements in explanation of vote before the vote were made by the representatives of the United States of America and Uruguay.

462. In connection with draft resolution E/CN.4/1997/L.12/Rev.1, as orally revised, statements in explanation of vote before the vote were made by the representatives of the Netherlands (on behalf of the European Union) and the United States of America.

463. Draft resolutions E/CN.4/1997/L.9/Rev.1, as orally revised, and E/CN.4/1997/L.12/Rev.1, as orally revised, were adopted without a vote. For the texts of the resolutions as adopted, see chapter II, section A, resolutions 1997/73 and 1997/74, respectively.

Racism, racial discrimination, xenophobia and related intolerance

464. Following a proposal made at the 68th meeting, on 18 April 1997, by the representative of Indonesia (on behalf of the Organization of the Islamic Conference) and statements in that connection made at the same meeting by the representatives of Algeria, Bangladesh, Bulgaria, Egypt, Germany, India, the Netherlands and Pakistan, the Chairman, at the 70th meeting, on 18 April 1997, orally proposed a draft decision concerning the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance.

465. The draft decision was adopted without a vote. For the text of the decision as adopted, see chapter II, section B, decision 1997/125.

465a. As a result of the adoption of decision 1997/125, a corrigendum to the report of the Special Rapporteur was issued on 8 July 1997, under the symbol E/CN.4/1997/71/Corr.1, deleting the last sentence of section 3 of the text reproduced in paragraph 27 of document E/CN.4/1997/71.

XIV. STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS

466. The Commission considered agenda item 14 concurrently with item 15 (see chap. XV) at its 12th and 13th meetings, on 18 March, and at its 36th and 37th meetings, on 3 April 1997. 1/

467. For the documents issued under agenda item 14, see annex IV to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairman's statements, by agenda item, see annex V to the present report.

468. In the general debate on agenda item 14, statements 2/ were made by the following members of the Commission: Belarus (13th), Brazil (13th), China (12th), India (13th), Ireland (13th), Italy (12th), Nepal (12th), Philippines (12th), Russian Federation (13th), Uruguay (12th).

469. The Commission heard statements by the observers for: Norway (13th), Slovakia (12th), Spain (13th).

470. The Commission also heard statements by the following non-governmental organizations: American Association of Jurists (12th), Amnesty International (12th), Himalayan Research and Cultural Foundation (13th), Indian Council of Education (12th), International Commission of Jurists (12th), International Educational Development, Inc. (12th), International Organization for the Development of Freedom of Education (joint statement with World University Service) (12th), Transnational Radical Party (12th), Women's International League for Peace and Freedom (12th).

Status of the International Covenants on Human Rights

471. At the 36th meeting, on 3 April 1997, the Observer for Norway introduced draft decision E/CN.4/1997/L.18, sponsored by Norway. Denmark, Equatorial Guinea, Finland, France, Romania, Ukraine and Venezuela subsequently joined the sponsor.

472. The draft decision was adopted without a vote. For the text of the decision as adopted, see chapter II, section B, decision 1997/104.

Question of the death penalty

473. At the 36th meeting, on 3 April 1997, the representative of Italy introduced draft resolution E/CN.4/1997/L.20, sponsored by Angola, Australia, Austria, Belgium, Bolivia, Brazil, Colombia, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, the Dominican Republic, Ecuador, Estonia, Finland, France, Germany, Greece, Haiti, Honduras, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Luxembourg, Malta, the Marshall Islands, Nepal, the Netherlands, New Zealand, Nicaragua, Norway, Papua New Guinea, Portugal, Romania, San Marino, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Uruguay and Venezuela. Chile and Lithuania subsequently joined the sponsors. Angola, Nepal and Papua New Guinea subsequently withdrew as sponsors.

474. At the same meeting, the representative of Malaysia introduced proposed amendments to draft resolution E/CN.4/1997/L.20 (E/CN.4/1997/L.35), sponsored by Bangladesh, Egypt, Indonesia, Iran (Islamic Republic of), the Libyan Arab Jamahiriya, Malaysia, Nigeria, Papua New Guinea, the Republic of Korea, Saudi Arabia, Singapore, Thailand and the United Arab Emirates. Bhutan, Brunei Darussalam, Pakistan and the Syrian Arab Republic subsequently joined the sponsors.

475. Statements in connection with the proposed amendments (E/CN.4/1997/L.35) were made by the representatives of Brazil and Italy.

476. In connection with draft resolution E/CN.4/1997/L.20 and the proposed amendments (E/CN.4/1997/L.35), statements in explanation of vote before the vote were made by the representatives of Algeria, Brazil, Canada, Colombia and India.

477. In connection with draft resolution E/CN.4/1997/L.20, statements in explanation of vote before the vote were made by the representatives of Bangladesh, Egypt, Japan, Nepal, the Republic of Korea and the United States of America.

478. In connection with the proposed amendments (E/CN.4/1997/L.35), statements in explanation of vote before the vote were made by the representatives of Chile, China, Denmark and Ireland.

479. At the 37th meeting, on 3 April 1997, the Commission resumed consideration of draft resolution E/CN.4/1997/L.20 and the proposed amendments thereto (E/CN.4/1997/L.35).

480. In connection with draft resolution E/CN.4/1997/L.20, a statement in explanation of vote before the vote was made by the representative of Malaysia.

481. At the request of the representative of Malaysia, roll-call votes were taken on each of the seven proposed amendments contained in document E/CN.4/1997/L.35, which read as follows:

"1. Replace the sixth preambular paragraph by:

'*Recalling* that article 6.2 of the International Covenant on Civil and Political Rights provides that sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of that Covenant,'.

"2. Add the following operative paragraph 1:

'1. *Reaffirms* the sovereign right of States to determine the legal system appropriate to their societies, taking into account the relevant provisions of international law;'.

"3. In operative paragraphs 3 and 4, *replace* Calls upon *by* Invites

"4. Delete operative paragraph 5.

"5. Delete operative paragraph 6.

"6. Delete operative paragraph 7.

"7. Delete operative paragraph 8."

482. The amendment contained in paragraph 1 of document E/CN.4/1997/L.35 was rejected by 24 votes to 17, with 11 abstentions. The voting was as follows:

In favour: Algeria, Bangladesh, Bhutan, China, Cuba, Egypt, India, Indonesia, Japan, Malaysia, Pakistan, Philippines, Republic of Korea, Sri Lanka, Uganda, United States of America, Zimbabwe.

Against: Argentina, Austria, Belarus, Brazil, Bulgaria, Canada, Chile, Colombia, Czech Republic, Denmark, Dominican Republic, Ecuador, France, Germany, Ireland, Italy, Mexico, Mozambique, Nepal, Netherlands, Nicaragua, South Africa, Ukraine, Uruguay.

Abstaining: Angola, Benin, Cape Verde, El Salvador, Ethiopia, Gabon, Guinea, Madagascar, Russian Federation, United Kingdom of Great Britain and Northern Ireland, Zaire.

483. The amendment contained in paragraph 2 of document E/CN.4/1997/L.35 was rejected by 27 votes to 19, with 5 abstentions. The voting was as follows:

In favour: Algeria, Bangladesh, Benin, Bhutan, China, Cuba, Egypt, Guinea, India, Indonesia, Japan, Malaysia, Pakistan, Philippines, Republic of Korea, Sri Lanka, Uganda, United States of America, Zimbabwe.

Against: Angola, Argentina, Austria, Belarus, Brazil, Bulgaria, Canada, Cape Verde, Chile, Colombia, Czech Republic, Denmark, Dominican Republic, Ecuador, France, Germany, Ireland, Italy, Mexico, Mozambique, Nepal, Netherlands, Nicaragua, South Africa, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay.

Abstaining: El Salvador, Ethiopia, Gabon, Madagascar, Zaire.

484. The amendment contained in paragraph 3 of document E/CN.4/1997/L.35 was rejected by 23 votes to 17, with 12 abstentions. The voting was as follows:

In favour: Algeria, Bangladesh, Bhutan, China, Cuba, Egypt, India, Indonesia, Japan, Malaysia, Pakistan, Philippines, Republic of Korea, Russian Federation, Sri Lanka, Uganda, Zimbabwe.

Against: Angola, Argentina, Austria, Belarus, Brazil, Canada, Chile, Colombia, Czech Republic, Denmark, Dominican Republic, Ecuador, France, Germany, Ireland, Italy, Mozambique, Nepal, Netherlands, Nicaragua, South Africa, Ukraine, Uruguay.

Abstaining: Benin, Bulgaria, Cape Verde, El Salvador, Ethiopia, Gabon, Guinea, Madagascar, Mexico, United Kingdom of Great Britain and Northern Ireland, United States of America, Zaire.

485. The amendment contained in paragraph 4 of document E/CN.4/1997/L.35 was rejected by 27 votes to 15, with 10 abstentions. The voting was as follows:

In favour: Algeria, Bangladesh, Bhutan, China, Cuba, Egypt, India, Indonesia, Japan, Malaysia, Pakistan, Philippines, Republic of Korea, Sri Lanka, Zimbabwe.

Against: Angola, Argentina, Austria, Belarus, Brazil, Bulgaria, Canada, Cape Verde, Chile, Colombia, Czech Republic, Denmark, Dominican Republic, Ecuador, France, Germany, Ireland, Italy, Mexico, Mozambique, Nepal, Netherlands, Nicaragua, Russian Federation, South Africa, Ukraine, Uruguay.

Abstaining: Benin, El Salvador, Ethiopia, Gabon, Guinea, Madagascar, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America, Zaire.

486. The amendment contained in paragraph 5 of document E/CN.4/1997/L.35 was rejected by 26 votes to 14, with 12 abstentions. The voting was as follows:

In favour: Algeria, Bangladesh, Bhutan, China, Cuba, Egypt, India, Indonesia, Japan, Malaysia, Pakistan, Philippines, Republic of Korea, Zimbabwe.

Against: Argentina, Austria, Belarus, Brazil, Bulgaria, Canada, Cape Verde, Chile, Colombia, Czech Republic, Denmark, Dominican Republic, Ecuador, France, Germany, Ireland, Italy, Mexico, Mozambique, Nepal, Netherlands, Nicaragua, Russian Federation, South Africa, Ukraine, Uruguay.

Abstaining: Angola, Benin, El Salvador, Ethiopia, Gabon, Guinea, Madagascar, Sri Lanka, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America, Zaire.

487. The amendment contained in paragraph 6 of document E/CN.4/1997/L.35 was rejected by 25 votes to 13, with 14 abstentions. The voting was as follows:

In favour: Algeria, Bangladesh, Bhutan, China, Cuba, Egypt, Indonesia, Japan, Malaysia Pakistan, Philippines, Republic of Korea, Zimbabwe.

Against: Angola, Argentina, Austria, Belarus, Brazil, Bulgaria, Canada, Chile, Colombia, Czech Republic, Denmark, Dominican Republic, Ecuador, France, Germany, Ireland, Italy, Mexico, Nepal, Netherlands, Nicaragua, Russian Federation, South Africa, Ukraine, Uruguay.

Abstaining: Benin, Cape Verde, El Salvador, Ethiopia, Gabon, Guinea, India, Madagascar, Mozambique, Sri Lanka, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America, Zaire.

488. The amendment contained in paragraph 7 of document E/CN.4/1997/L.35 was rejected by 27 votes to 13, with 12 abstentions. The voting was as follows:

In favour: Algeria, Bangladesh, Bhutan, China, Cuba, Egypt, India, Indonesia, Japan, Malaysia, Pakistan, Philippines, Republic of Korea.

Against: Angola, Argentina, Austria, Belarus, Brazil, Bulgaria, Canada, Cape Verde, Chile, Colombia, Czech Republic, Denmark, Dominican Republic, Ecuador, France, Germany, Ireland, Italy, Mexico, Mozambique, Nepal, Netherlands, Nicaragua, Russian Federation, South Africa, Ukraine, Uruguay.

Abstaining: Benin, El Salvador, Ethiopia, Gabon, Guinea, Madagascar, Sri Lanka, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America, Zaire, Zimbabwe.

489. At the request of the representative of Malaysia, a roll-call vote was taken on draft resolution E/CN.4/1997/L.20, which was adopted by 27 votes to 11, with 14 abstentions. The voting was as follows:

In favour: Angola, Argentina, Austria, Belarus, Brazil, Bulgaria, Canada, Cape Verde, Chile, Colombia, Czech Republic, Denmark, Dominican Republic, Ecuador, France, Germany, Ireland, Italy, Mexico, Mozambique, Nepal, Netherlands, Nicaragua, Russian Federation, South Africa, Ukraine, Uruguay.

Against: Algeria, Bangladesh, Bhutan, China, Egypt, Indonesia, Japan, Malaysia, Pakistan, Republic of Korea, United States of America.

Abstaining: Benin, Cuba, El Salvador, Ethiopia, Gabon, Guinea, India, Madagascar, Philippines, Sri Lanka, Uganda, United Kingdom of Great Britain and Northern Ireland, Zaire, Zimbabwe.

490. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/12.

XV. EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO UNITED NATIONS HUMAN RIGHTS INSTRUMENTS

491. The Commission considered agenda item 15 concurrently with item 14 (see chap. XIV) at its 12th and 13th meetings, on 18 March, and at its 37th meeting, on 3 April 1997. [1]

492. For the documents issued under agenda item 15, see annex IV to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairman's statements, by agenda item, see annex V to the present report.

493. At the 12th meeting, on 18 March 1997, statements were made by Mr. Philip Alston, Chairperson of the Committee on Economic, Social and Cultural Rights, and Ms. Ivanka Corti, Chairperson of the seventh meeting of persons chairing the human rights treaty bodies.

494. In the general debate on agenda item 15, statements [2] were made by the following members of the Commission: Belarus (13th), Brazil (13th), China (12th), India (13th), Indonesia (13th), Philippines (12th), Republic of Korea (13th), Russian Federation (13th).

495. The Commission heard statements by the observers for: Norway (13th), Romania (13th), Slovakia (12th).

Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights

496. At the 37th meeting, on 3 April 1997, the representative of Canada introduced draft decision E/CN.4/1997/L.17, sponsored by Canada. India, the Republic of Korea, Romania, Ukraine and Uruguay subsequently joined the sponsor.

497. The draft decision was adopted without a vote. For the text of the decision as adopted, see chapter II, section B, decision 1997/105.

XVI. REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-EIGHTH SESSION

498. The Commission considered agenda item 16 at its 20th meeting, on 24 March, at its 23rd and 24th meetings, on 25 March, and at its 56th meeting, on 11 April 1997. 1/

499. For the documents issued under agenda item 16, see annex IV to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairman's statements, by agenda item, see annex V to the present report.

500. At the 20th meeting, on 24 March 1997, the Chairman of the Board of Trustees of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery, Mr. Swami Agnivesh, introduced the report of the Secretary-General on the Voluntary Trust Fund (E/CN.4/1997/76).

501. At the 23rd meeting, on 25 March 1997, the Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-eighth session, Mr. Asbjørn Eide, introduced his report (E/CN.4/1997/79).

502. In the general debate on agenda item 16, statements 2/ were made by the following members of the Commission: Bangladesh (24th), Brazil (24th), China (24th), Denmark (24th), Germany (24th), India (24th), Ireland (24th), Mexico (24th), Pakistan (24th), Philippines (24th), Ukraine (24th), United States of America (24th).

503. The Commission heard statements by the observers for: Norway (on behalf of the Nordic countries) (24th), Poland (24th), Slovenia (on behalf of Czech Republic, Poland, Slovakia) (23rd). The Observer for Switzerland also made a statement (24th).

504. Statements were also made by the observers for the International Committee of the Red Cross (24th), the International Organization for Migration (23rd) and the United Nations Children's Fund (24th).

505. The Commission also heard statements by the following non-governmental organizations: African Commission of Health and Human Rights Promoters (24th), Asian Cultural Forum on Development (24th), Indian Law Resource Centre (24th), International Association of Educators for World Peace (23rd), International Educational Development, Inc. (23rd), International Indian Treaty Council (24th), International League for Human Rights (24th), International Progress Organization (24th), United Towns Agency for North-South Cooperation (24th), Women's International Democratic Federation (24th), Women's International League for Peace and Freedom (24th).

506. A statement in exercise of the equivalent of the right of reply was made by the Observer for Mauritania (24th).

507. At its 56th meeting, on 11 April 1997, the Commission took up consideration of the draft resolutions and decisions submitted under agenda item 16.

Traffic in women and girls

508. The representative of the Philippines introduced draft resolution E/CN.4/1997/L.34, sponsored by Bhutan, Cyprus, El Salvador, Greece, Honduras, Indonesia, Iraq, Malaysia, the Marshall Islands, Mexico, Morocco, Myanmar, Nepal, Nicaragua, Nigeria, Pakistan, Peru, the Philippines, South Africa, Sri Lanka, Thailand and Viet Nam. Argentina, Bangladesh, Belgium, Chile, Colombia, the Czech Republic, the Dominican Republic, Egypt, France, Germany, Ireland, Madagascar, Portugal, the Republic of Korea, Togo, Uganda and Uruguay subsequently joined the sponsors. Thailand subsequently withdrew as a sponsor.

509. The draft resolution was orally revised by the representative of the Philippines as follows:

(a) Operative paragraph 4, which read:

> "4. Invites Governments to accord standard minimum humanitarian treatment to trafficked persons, consistent with human rights standards and, with the support of the United Nations, to formulate manuals for the training of personnel who receive and/or hold in temporary custody victims of gender-based violence, including trafficking, with a view to sensitizing them to the special needs of victims;"

was replaced by new operative paragraphs 4 and 5, the subsequent paragraphs being renumbered accordingly;

(b) Former operative paragraph 6, which read:

> "6. Invites the Special Rapporteur on violence against women, its causes and consequences and the Special Rapporteur on the sale of children, child prostitution and child pornography, in addressing the obstacles to the realization of the human rights of women, to include traffic in women and girls among their priority concerns;"

was replaced by a new text.

510. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/19.

Human rights of persons with disabilities

511. The representative of Ireland introduced draft decision E/CN.4/1997/L.39, sponsored by Ireland. The Czech Republic, the Philippines and Venezuela subsequently joined the sponsor.

512. A statement in connection with the draft decision was made by the representative of the Netherlands.

513. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft decision.

514. The draft decision was adopted without a vote.

515. The representatives of Ireland and the United Kingdom of Great Britain and Northern Ireland made statements in connection with the decision after its adoption.

516. For the text of the decision as adopted, see chapter II, section B, decision 1997/107.

Contemporary forms of slavery

517. The representative of the Netherlands introduced draft resolution E/CN.4/1997/L.41, sponsored by Cuba and the Netherlands. Canada, Colombia, the Czech Republic, Madagascar, Norway, the Philippines, Poland and the Republic of Korea subsequently joined the sponsors.

518. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/20.

Minimum humanitarian standards

519. The Observer for Norway introduced draft resolution E/CN.4/1997/L.42, sponsored by Argentina, Canada, Chile, Croatia, the Czech Republic, Denmark, the Dominican Republic, El Salvador, Estonia, Finland, Germany, Hungary, Iceland, Italy, Madagascar, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, South Africa, Sweden, Switzerland and Uruguay. Ireland, Israel, Liechtenstein and Ukraine subsequently joined the sponsors.

520. Statements in connection with the draft resolution were made by the representatives of Cuba and India.

521. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/21.

Work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

522. The representative of Germany introduced draft resolution E/CN.4/1997/L.43, sponsored by Australia, Austria, Belarus, Belgium, Brazil, Bulgaria, Canada, the Czech Republic, Denmark, El Salvador, Estonia, Finland, France, Gabon, Germany, Greece, Honduras, India, Ireland, Italy, Madagascar, the Netherlands, New Zealand, Nicaragua, Norway, the Philippines, Portugal, Romania, Slovakia, Slovenia, Spain, Ukraine, the United Kingdom of Great Britain and Northern Ireland and Uruguay. Argentina, Equatorial Guinea, Hungary, Japan, Liechtenstein, Luxembourg, Peru, Poland, the Republic of Korea, the Russian Federation, Sweden and the United States of America subsequently joined the sponsors.

523. The draft resolution was orally revised by the representative of Germany as follows:

(a) In operative paragraph 3 (b), the words "unless, in" were replaced by "and, furthermore, limit action to";

(b) In the same subparagraph, after "exceptional cases", the comma was deleted and the words "in which" were inserted;

(c) In operative paragraph 3 (d), the words "impartiality of Sub-Commission members" were replaced by "impartiality of the Sub-Commission";

(d) In the same subparagraph, the words "State of which a member of the Sub-Commission is a national" were replaced by "specific country".

524. A statement in connection with the draft resolution, as orally revised, was made by the representative of Cuba.

525. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/22.

Traditional practices affecting the health of women and children

526. The Commission also considered draft decision 2 recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission (see E/CN.4/1997/2-E/CN.4/Sub.2/1996/41, chap. I).

527. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications [3] of the draft decision.

528. The draft decision was adopted without a vote. For the text of the decision as adopted, see chapter II, section B, decision 1997/108.

XVII. RIGHTS OF PERSONS BELONGING TO NATIONAL OR ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES

529. The Commission considered agenda item 17 concurrently with items 11 and 19 (see chaps. XI and XIX) at its 19th to 23rd meetings, from 21 to 25 March, and at its 37th meeting, on 3 April 1997. 1/

530. For the documents issued under agenda item 17, see annex IV to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairman's statements, by agenda item, see annex V to the present report.

531. In the general debate on agenda item 17, statements 2/ were made by the following members of the Commission: Austria (21st), Belarus (22nd), China (20th), India (22nd), Pakistan (22nd), Russian Federation (22nd), Sri Lanka (22nd), Ukraine (20th).

532. The Commission heard statements by the observers for: Azerbaijan (22nd), Finland (on behalf of the Nordic countries) (20th), Hungary (22nd), Iran (Islamic Republic of) (22nd), Slovakia (21st), Sudan (22nd), the former Yugoslav Republic of Macedonia (21st). The Observer for Switzerland also made a statement (22nd).

533. The Commission also heard statements by the following non-governmental organizations: African Association of Education for Development (21st), Afro-Asian Peoples' Solidarity Organization (21st), Coordinating Board of Jewish Organizations (on behalf of World Union for Progressive Judaism) (21st), Franciscans International (21st), Himalayan Research and Cultural Foundation (21st), International Association against Torture (23rd), International Association for the Defence of Religious Liberty (21st), International Educational Development, Inc. (23rd), International Falcon Movement - Socialist Educational International (23rd), International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities (19th), International Institute for Peace (20th), International Islamic Federation of Student Organizations (23rd), International Movement against All Forms of Discrimination and Racism (20th), International Organization for the Development of Freedom of Education (23rd), International Progress Organization (23rd), Liberation (20th), Minority Rights Group (19th), Pax Christi International (21st), Society for Threatened Peoples (21st), Transnational Radical Party (21st), United Towns Agency for North-South Cooperation (23rd).

534. Statements in exercise of the right of reply or its equivalent were made by the representative of Ethiopia (21st) and by the observers for Armenia (23rd), Azerbaijan (23rd), Greece (21st, 23rd) and the former Yugoslav Republic of Macedonia (23rd).

Rights of persons belonging to national or ethnic, religious and linguistic minorities

535. At the 37th meeting, on 3 April 1997, the representative of Austria introduced draft resolution E/CN.4/1997/L.31/Rev.1, sponsored by Afghanistan, Argentina, Austria, Belarus, Brazil, Chile, Croatia, the Czech Republic,

Denmark, Estonia, Ethiopia, Finland, Hungary, Mongolia, Nicaragua, Norway, Poland, Portugal, Romania, the Russian Federation, San Marino, Slovakia, Slovenia, Sweden, Switzerland, the former Yugoslav Republic of Macedonia and Ukraine. Australia, Canada, Iceland, India, Liechtenstein, Lithuania, Madagascar, the Republic of Korea, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uruguay subsequently joined the sponsors.

536. The draft resolution was orally revised by the representative of Austria as follows:

(a) In operative paragraph 11, the words "and for the consideration of possible solutions to problems involving minorities" were deleted;

(b) At the end of operative paragraph 12, the words ", and that it will also take note of the Commission's deliberations on this item" were inserted.

537. A statement in connection with the draft resolution, as orally revised, was made by the representative of Bangladesh.

538. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/16.

539. In view of the adoption of resolution 1997/16, the Commission took no action on draft decision 1 recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission (see E/CN.4/1997/2-E/CN.4/Sub.2/1996/41, chap. I).

XVIII. ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS

540. The Commission considered agenda item 18 concurrently with item 9 (see chap. IX) at its 34th and 35th meetings, on 2 April, at its 37th to 39th meetings, on 3 April, at its 43rd and 45th meetings, on 7 April, at its 58th meeting, on 11 April, at its 64th meeting, on 15 April, and at its 66th meeting, on 16 April 1997. 1/

541. For the documents issued under agenda item 18, see annex IV to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairman's statements, by agenda item, see annex V to the present report.

542. At the 34th meeting, on 2 April 1997, statements were made by:

(a) Ms. Mona Rishmawi, independent expert on the situation of human rights in Somalia, in introduction of her report (E/CN.4/1997/88 and Corr.1);

(b) Ms. Leila I. Takla, Chairperson of the Board of Trustees of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights.

543. At the 35th meeting, on 2 April 1997, statements were made by:

(a) Mr. Thomas Hammarberg, Special Representative of the Secretary-General on the situation of human rights in Cambodia, in introduction of his report (E/CN.4/1997/85);

(b) Ms. Mónica Pinto, independent expert on the situation of human rights in Guatemala, in introduction of her report (E/CN.4/1997/90);

(c) Mr. Adama Dieng, independent expert on the situation of human rights in Haiti, in introduction of his report (E/CN.4/1997/89).

544. In the general debate on agenda item 18, statements 2/ were made by the following members of the Commission: Bangladesh (39th), Egypt (43rd), El Salvador (35th), India (35th), Japan (35th), Madagascar (43rd), Malaysia (39th), Netherlands (on behalf of the European Union) (39th), Pakistan (43rd), South Africa (43rd).

545. The Commission heard statements by the observers for: Australia (43rd), Guatemala (38th), Kenya (43rd), Mongolia (45th), Nigeria (43rd), Poland (43rd), Togo (45th), Venezuela (43rd).

546. The Commission also heard statements by the following non-governmental organizations: Indian Council of Education (39th), International Commission of Jurists (38th), Latin American Federation of Associations of Relatives of Disappeared Detainees (39th).

547. A statement in exercise of the equivalent of the right of reply was made by the Observer for Haiti (35th).

Assistance to Guatemala in the field of human rights

548. At the 58th meeting, on 11 April 1997, the representative of Mexico introduced draft resolution E/CN.4/1997/L.61, sponsored by Colombia, El Salvador, Guatemala, Mexico, Norway, Peru, Spain, the United States of America and Venezuela. Costa Rica, the Dominican Republic, Honduras, Italy, Nicaragua and Uruguay subsequently joined the sponsors.

549. The draft resolution was orally revised by the representative of Mexico as follows:

(a) At the end of the second preambular paragraph, the word "entities" was replaced by "actors";

(b) In the fourth preambular paragraph, the words "monitor the permanent" were replaced by "verify the definitive";

(c) In the sixth preambular paragraph, the words "in some cases involving" were replaced by "in which, in some cases," and, after "government officials", the word "participated" was inserted;

(d) In the seventh preambular paragraph, the words "suffered by" were replaced by "that" and, after "in Guatemala", the words "suffered and are suffering" were inserted;

(e) At the end of operative paragraph 1, the word "preparation" was replaced by the words "drawing up";

(f) At the end of operative paragraph 3, the word "during" was replaced by "in";

(g) In operative paragraph 4, the word "judicial" was inserted before "proceedings";

(h) In operative paragraph 6, the word "implementing" was replaced by the words "compliance with";

(i) In operative paragraph 8, the word "multilingual" was replaced by "plurilingual";

(j) In operative paragraph 9, the words "to enable" were replaced by "with a view to enabling";

(k) In operative paragraph 10, the word "consultation" was replaced by "concertation";

(l) Operative paragraph 14, which read:

> "14. Requests the Secretary-General to terminate the mandate of the independent expert and, taking account of the verification work of MINUGUA and of the information provided by the Government of Guatemala and the non-governmental human rights organizations, to submit a report to the Commission on Human Rights at its fifty-fourth session on the

evaluation and development of measures adopted by the Government and other bodies concerning the provision of advisory services in the field of human rights to the Government of Guatemala and the non-governmental human rights organizations;"

was deleted;

(m) Operative paragraph 15 was renumbered as paragraph 14, and the words "and regrets her resignation presented to the Secretary-General in March this year" were inserted at the end of the paragraph;

(n) A new paragraph 15 was inserted.

550. Statements in connection with the draft resolution were made by the representatives of Canada, Mexico and the Netherlands and by the Observer for Guatemala.

551. At the request of the representative of the Netherlands, consideration of the draft resolution was postponed.

552. At its 64th meeting, on 15 April 1997, the Commission resumed consideration of draft resolution E/CN.4/1997/L.61.

553. A statement in explanation of vote before the vote was made by the representative of Canada.

554. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

555. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/51.

Advisory services, technical cooperation and the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights

556. At the 58th meeting, on 11 April 1997, the representative of Germany introduced draft resolution E/CN.4/1997/L.65, sponsored by Argentina, Austria, Belarus, Belgium, Benin, Brazil, Bulgaria, Canada, Chile, Colombia, Croatia, the Czech Republic, Denmark, the Dominican Republic, El Salvador, Ethiopia, Finland, France, Gabon, Germany, Greece, India, Ireland, Italy, Liechtenstein, Lithuania, Luxembourg, Madagascar, the Netherlands, Nicaragua, Norway, Peru, Poland, Portugal, the Republic of Korea, Romania, the Russian Federation, South Africa, Spain, Sweden, Switzerland, Togo and Ukraine. Australia, Bangladesh, Bolivia, Equatorial Guinea, Mali, Mongolia, New Zealand, the Philippines, Senegal, the former Yugoslav Republic of Macedonia, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uruguay subsequently joined the sponsors.

557. The draft resolution was orally revised by the representative of Germany as follows:

(a) At the end of the last preambular paragraph, the words "and taking note also of the recommendations of the Board of Trustees of the Voluntary Fund," were added;

(b) In operative paragraph 1, the words "aimed at the development of" were replaced by "provided at the request of Governments with a view to developing"; at the end of the paragraph, the words ", particularly since these activities are undertaken at the request of Governments" were deleted;

(c) In operative paragraph 4, the words "effectively and encouraging them to strengthen human rights," were replaced by "in promoting and protecting human rights and strengthening";

(d) In operative paragraph 5, the words "may be seen as a complement to" were replaced by "does not exempt any country from" and the words "from which no Government is exempt" were deleted. In the same paragraph, before "produce", the word "help" was inserted;

(e) In operative paragraph 9, the words "projects for strengthening" were replaced by "the promotion of all". At the end of the paragraph, the words "in order to execute joint" were replaced by "working together in the execution of".

558. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/46.

Assistance to Somalia in the field of human rights

559. At the 58th meeting, on 11 April 1997, the representative of Italy introduced draft resolution E/CN.4/1997/L.71, sponsored by Bulgaria, Canada, Denmark, France, Germany, Italy, Latvia, Norway, Portugal, the Republic of Korea, Romania, South Africa, Spain and Sweden. Australia, Ireland, Japan, New Zealand and the United States of America subsequently joined the sponsors.

560. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

561. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/47.

Assistance to States in strengthening the rule of law

562. At the 58th meeting, on 11 April 1997, the representative of Brazil introduced draft resolution E/CN.4/1997/L.72, sponsored by Argentina, Austria, Belgium, Brazil, Bulgaria, Canada, Cape Verde, Chile, Colombia, El Salvador, Ethiopia, France, Germany, Guatemala, Italy, Mozambique, Peru, Poland, Portugal, the Russian Federation, South Africa, the United Kingdom of

Great Britain and Northern Ireland, Uruguay and Venezuela. Algeria, Australia, Benin, Gabon, Greece, Haiti, India, Madagascar, Mali, Mongolia, Nicaragua, Paraguay, Senegal and Togo subsequently joined the sponsors.

563. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/48.

Situation of human rights in Haiti

564. At the 58th meeting, on 11 April 1997, the Observer for Venezuela introduced draft resolution E/CN.4/1997/L.78, sponsored by Argentina, Brazil, Canada, Chile, Denmark, the Dominican Republic, El Salvador, France, Greece, Haiti, Hungary, Nicaragua, Peru and Venezuela. Algeria, Germany, Honduras, Israel, Mexico, Spain, Sweden, the United States of America and Uruguay subsequently joined the sponsors.

565. The draft resolution was orally revised by the Observer for Venezuela as follows:

(a) In operative paragraph 2, the words "as well as, more recently," were replaced by ", and takes note of";

(b) In operative paragraph 7, the word "inclusion" was replaced by "continuation".

566. The representative of the Netherlands proposed the deletion of the words ", with the support of the United Nations Population Fund", in operative paragraph 18.

567. Statements in connection with the draft resolution were made by the representative of Ireland and by the Observer for Venezuela.

568. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

569. At the request of the Observer for Venezuela, consideration of the draft resolution was postponed.

570. At its 64th meeting, on 15 April 1997, the Commission resumed consideration of draft resolution E/CN.4/1997/L.78.

571. The Observer for Venezuela made the following additional oral revisions to the draft resolution:

(a) In operative paragraph 7, after "continuation", the words "of the inclusion" were inserted, and the words "the establishment of a" were replaced by "takes note of the work of the";

(b) At the end of operative paragraph 18, the words ", with the support of the United Nations Population Fund" were deleted.

572. A statement in connection with the draft resolution, as orally revised, was made by the representative of Ireland.

573. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/52.

Situation of human rights in Cambodia

574. At the 58th meeting, on 11 April 1997, the Observer for Australia introduced draft resolution E/CN.4/1997/L.80, sponsored by Australia, Austria, Belgium, Canada, Germany, Ireland, Japan, the Netherlands, New Zealand, Norway, Romania and Sweden. France, Italy, the United Kingdom of Great Britain and Northern Ireland and the United States of America subsequently joined the sponsors.

575. A statement in connection with the draft resolution was made by the representative of Mexico.

576. A statement in explanation of vote before the vote was made by the representative of Indonesia (on behalf of the States members of the Association of South-East Asian Nations).

577. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/49.

Situation of human rights in Liberia

578. At the 66th meeting, on 16 April 1997, the Chairman, on behalf of the Commission, made the following statement concerning the situation of human rights in Liberia:

> "The Commission on Human Rights, meeting in Geneva from 10 March to 18 April 1997, recalling the Chairman's statement on the situation of human rights in Liberia made at its fifty-second session, on 24 April 1996 (62nd meeting), and all previous Security Council resolutions on Liberia, in particular resolution 1041 (1996) of 29 January 1996, welcomes the signing of the Abuja Agreement and the revised schedule of implementation in August 1996 by the factional leaders in Liberia. The Commission also welcomes the substantial progress made in the demobilization and disarmament of the warring factions in conformity with the schedule of implementation expected to culminate in a general election scheduled to take place in Liberia in May 1997, and urges all Liberians to move speedily towards reconciliation and the creation of a viable political and democratic order in their country.
>
> "To this end, the Commission on Human Rights notes with appreciation that several political parties have been registered with the newly restructured Election Commission, headed by a non-factional chairman, and that plans are under way to appoint a new head and other senior members of the judiciary.

"The Commission on Human Rights expresses its sincere appreciation to the Economic Community of West African States and the Economic Community of West African States Monitoring Group (ECOMOG), and notes the need for the strength of the peace-keeping troops on the ground to be increased in order to ensure security in the country during the election period. In this connection, the Commission calls upon all States Members of the United Nations system and intergovernmental and non-governmental organizations to provide Liberia with technical and financial assistance to cope with the humanitarian situation and to provide ECOMOG with necessary logistical and financial support to enable it to carry out its mandate.

"The Commission on Human Rights also expresses its appreciation to the States that have so far contributed to the United Nations Trust Fund for Liberia and calls upon other States to contribute generously to the Fund. It also expresses its gratitude to the Organization of African Unity, the United Nations, the International Committee of the Red Cross, non-governmental organizations and the international community for their efforts in delivering humanitarian assistance to and ensuring peace in Liberia.

"The Commission stresses the need for cohesion amongst the factions/parties, currently divided along ethnic groups, to abide by the terms of the Abuja Agreement and the nation's electoral law, and encourages the Group of Nine West African States that meets monthly in Monrovia in order to give impetus to the issue of cohesion amongst the factions and to act as a check on any excesses of the factions.

"The Commission urges the Centre for Human Rights to provide at the end of the election and at the request of the Government of Liberia advisory services and technical cooperation to enable the Government to revive the ailing human rights structures and mechanisms, and calls upon the Secretary-General of the United Nations to consider sending international electoral monitors and human rights monitors to Liberia, at least during and after the election.

"The Commission on Human Rights decides to remain seized of the matter under agenda item 18, entitled 'Advisory services in the field of human rights'".

XIX. IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF

579. The Commission considered agenda item 19 concurrently with items 11 and 17 (see chaps. XI and XVII) at its 18th to 23rd meetings, from 21 to 25 March, and at its 56th meeting, on 11 April 1997. 1/

580. For the documents issued under agenda item 19, see annex IV to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairman's statements, by agenda item, see annex V to the present report.

581. At the 18th meeting, on 21 March 1997, the Special Rapporteur on the question of religious intolerance, Mr. Abdelfattah Amor, introduced his report (E/CN.4/1997/91 and Add.1). At the 23rd meeting, on 25 March 1997, the Special Rapporteur made his concluding remarks.

582. In the general debate on agenda item 19, statements 2/ were made by the following members of the Commission: Belarus (22nd), China (22nd), Egypt (22nd), India (22nd), Ireland (21st), Malaysia (22nd), Pakistan (22nd), United States of America (21st).

583. The Commission heard statements by the observers for: Cyprus (21st), Greece (22nd), Iran (Islamic Republic of) (22nd), Israel (23rd), Sudan (22nd). The Observer for the Holy See also made a statement (21st).

584. The Commission also heard statements by the following non-governmental organizations: Asian Cultural Forum on Development (21st), International Association for Religious Freedom (19th), International Association of Educators for World Peace (23rd), International Association of Jewish Lawyers and Jurists (20th), International Educational Development, Inc. (23rd), International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities (19th), International Federation of Human Rights Leagues (19th), International Indian Treaty Council (23rd), International Islamic Federation of Student Organizations (23rd), Liberation (20th), Pax Christi International (21st), United Towns Agency for North-South Cooperation (23rd), World Federation of United Nations Associations (20th), World Muslim Congress (21st), World Peace Council (23rd).

585. Statements in exercise of the right of reply or its equivalent were made by the representative of Mexico (23rd) and by the observers for Cyprus (21st) and Turkey (21st).

Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief

586. At the 56th meeting, on 11 April 1997, the representative of Ireland introduced draft resolution E/CN.4/1997/L.38, sponsored by Argentina, Australia, Austria, Belarus, Bosnia and Herzegovina, Canada, Côte d'Ivoire, Cyprus, Denmark, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Madagascar, the Netherlands, Portugal, the Republic of Korea, Romania, Senegal, Slovenia, Spain, Sweden,

Switzerland, the former Yugoslav Republic of Macedonia and Venezuela. Bangladesh, Belgium, Bulgaria, Chile, Croatia, the Czech Republic, El Salvador, Estonia, India, Israel, New Zealand, the Philippines, Poland, San Marino, South Africa, Togo, Tunisia, Ukraine, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uruguay subsequently joined the sponsors.

587. The draft resolution was orally revised by the representative of Ireland as follows:

(a) In operative paragraph 2, the words "all instances and forms of hatred or intolerance on the grounds of" were replaced by "all forms of intolerance and of discrimination based on";

(b) At the end of operative paragraph 3 (c), the words ", including practices which violate the human rights of women and discriminate against women" were inserted;

(c) In operative paragraph 3 (f), the words "In accordance with" were replaced by "To exert their utmost efforts, in accordance with" and, after "human rights standards,", the words "to exert their utmost efforts" were deleted;

(d) Operative paragraph 3 (g), which read: "To oppose acts of religious intolerance which violate the human rights of women and discriminate against women;", was deleted;

(e) In operative paragraph 6, the words "including the identification" were replaced by "_inter alia_ through the identification";

(f) Operative paragraph 8, which read:

> "8. _Invites_ the Special Rapporteur, in carrying out his mandate, to continue to bear in mind the need to be able to respond effectively to credible and reliable information that comes before him, to seek the views and comments of the Government concerned on any information which he intends to include in his report, and to continue to carry out his work with discretion and independence;"

was replaced by a new text;

(g) In operative paragraph 9, the word "elements" was replaced by "actors";

(h) In operative paragraph 11, the words "to ensure that appropriate measures are taken to this end, including the dissemination, as a matter of high priority," were replaced by "to ensure, as a matter of priority, the widest possible dissemination".

588. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/18.

XX. DRAFTING OF A DECLARATION ON THE RIGHT AND RESPONSIBILITY OF INDIVIDUALS, GROUPS AND ORGANS OF SOCIETY TO PROMOTE AND PROTECT UNIVERSALLY RECOGNIZED HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

589. The Commission considered agenda item 20 at its 62nd and 63rd meetings, on 14 and 15 April, and at its 67th meeting, on 16 April 1997. 1/

590. For the documents issued under agenda item 20, see annex IV to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairman's statements, by agenda item, see annex V to the present report.

591. At the 63rd meeting, on 15 April 1997, the Chairman-Rapporteur of the working group on the draft declaration, Mr. Jan Helgesen, introduced the report of the working group on its twelfth session (E/CN.4/1997/92).

592. In the general debate on agenda item 20, statements 2/ were made by the following members of the Commission: Chile (63rd), Madagascar (62nd), Netherlands (on behalf of the European Union, Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia, Slovenia) (62nd), United States of America (62nd).

593. The Commission heard statements by the observers for: Australia (63rd), Norway (63rd). The Observer for Switzerland also made a statement (63rd).

594. The Commission also heard statements by the following non-governmental organizations: France-Libertés: Fondation Danielle Mitterrand (63rd), International Federation of Human Rights Leagues (on behalf of Amnesty International, Andean Commission of Jurists, Association for the Prevention of Torture, Baha'i International Community, Federación de Associaciones de Defensa y Promocion de los Derechos Humanos, Human Rights Internet, Human Rights Watch, International Commission of Jurists, International Federation of ACAT (Action of Christians for the Abolition of Torture), International League for the Rights and Liberation of Peoples, International Movement against All Forms of Discrimination and Racism, International Service for Human Rights, Lawyers Committee for Human Rights, Pax Christi International, Transnational Radical Party) (63rd), International Service for Human Rights (on behalf of Andean Commission of Jurists, Center for Justice and International Law, Commission for the Defense of Human Rights in Central America, International Commission of Jurists, International Federation of ACAT (Action of Christians for the Abolition of Torture), International Federation of Human Rights Leagues, International League for the Rights and Liberation of Peoples, World Christian Life Community) (62nd), Latin American Federation of Associations of Relatives of Disappeared Detainees (63rd), Women's International Democratic Federation (63rd), World Organization against Torture (63rd).

595. Statements in exercise of the right of reply were made by the representatives of Cuba (63rd) and Malaysia (63rd).

Question of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms

596. At the 67th meeting, on 16 April 1997, the Observer for Norway introduced draft resolution E/CN.4/1997/L.101, sponsored by Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Chile, the Czech Republic, Denmark, Finland, France, Germany, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Madagascar, the Netherlands, Norway, Poland, Portugal, Romania, Slovenia, South Africa, Spain, Sweden, Switzerland, Tunisia, the United Kingdom of Great Britain and Northern Ireland and Uruguay. Colombia, Estonia, Luxembourg, New Zealand, Slovakia and the United States of America subsequently joined the sponsors.

597. The Observer for Norway orally revised the draft resolution by deleting, at the end of operative paragraph 2, the words "at its fifty-fourth session".

598. Statements in connection with the draft resolution were made by the representatives of Canada, Cuba and the Netherlands.

599. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

600. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/70.

XXI. RIGHTS OF THE CHILD, INCLUDING:

(a) STATUS OF THE CONVENTION ON THE RIGHTS OF THE CHILD;

(b) REPORT OF THE SPECIAL RAPPORTEUR ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY;

(c) PROGRAMME OF ACTION FOR THE ELIMINATION OF THE EXPLOITATION OF CHILD LABOUR;

(d) QUESTION OF A DRAFT OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY, AS WELL AS THE BASIC MEASURES NEEDED FOR THEIR PREVENTION AND ERADICATION

601. The Commission considered agenda item 21 and sub-items (a)-(d) at its 4th meeting, on 12 March, at its 55th meeting, on 10 April, at its 59th to 62nd meetings, on 14 April, and at its 70th meeting, on 18 April 1997. 1/

602. For the documents issued under agenda item 21 and sub-items (a)-(d), see annex IV to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairman's statements, by agenda item, see annex V to the present report.

603. At the 4th meeting, on 12 March 1997, the expert appointed by the Secretary-General to study the impact of armed conflict on children, Ms. Graça Machel, addressed the Commission.

604. At the 55th meeting, on 10 April 1997, the Special Rapporteur on the sale of children, child prostitution and child pornography, Ms. Ofelia Calcetas-Santos, introduced her report (E/CN.4/1997/95 and Add.1 and 2).

605. At the same meeting, the Chairman-Rapporteur of the working group on a draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts, Mr. Nils Eliasson, and the Chairman-Rapporteur of the working group on a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, Mr. Jorge Iván Mora Godoy, introduced the reports of the working groups on their third sessions (E/CN.4/1997/96 and E/CN.4/1997/97, respectively).

606. In the general debate on agenda item 21, statements 2/ were made by the following members of the Commission: Argentina (61st), Bangladesh (59th), China (61st), Cuba (61st), Egypt (59th), Ethiopia (59th), Germany (59th), Indonesia (61st), Japan (61st), Malaysia (61st), Netherlands (on behalf of the European Union, Bulgaria, Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia, Slovenia) (55th), Nicaragua (61st), Pakistan (61st), Philippines (61st), Republic of Korea (59th), Russian Federation (61st), Sri Lanka (59th), Uganda (55th), United States of America (61st), Uruguay (61st).

607. The Commission heard statements by the observers for: Australia (59th), Belgium (60th), Costa Rica (60th), Honduras (59th), Iran (Islamic Republic of) (62nd), Iraq (59th), Israel (61st), Kenya (61st), Malta (59th), New Zealand (61st), Norway (61st), Peru (59th), Poland (61st), Romania (60th), Slovakia (62nd), Tunisia (61st), Venezuela (62nd). The observers for the Holy See (60th) and Switzerland (61st) also made statements.

608. Statements were also made by the observers for the International Committee of the Red Cross (60th), the International Labour Organization (61st), the Joint United Nations Programme on HIV/AIDS (UNAIDS) (on behalf of the United Nations Children's Fund) (60th) and the Office of the United Nations High Commissioner for Refugees (60th).

609. The Commission also heard statements by the following non-governmental organizations: All China Women's Federation (60th), Christian Democrat International (61st), Christian Solidarity International (62nd), Commission for the Defense of Human Rights in Central America (60th), Defence for Children International (62nd), Federación de Asociaciones de Defensa y Promoción de los Derechos Humanos (61st), Friends World Committee for Consultation (Quakers)(60th), International Association for the Defence of Religious Liberty (60th), International Association of Educators for World Peace (60th), International Federation of Red Cross and Red Crescent Societies (59th), International Federation of Social Workers (60th), International Federation of Women Lawyers (60th), International League for Human Rights (61st), International Movement for Fraternal Union among Races and Peoples (60th), International Save the Children Alliance (60th), Pax Christi International (60th), Pax Romana (62nd), Transnational Radical Party (60th), United Towns Agency for North-South Cooperation (60th), World Federation of Methodist and Uniting Church Women (on behalf of All India Women's Conference, Anti-Slavery International, Associated Country Women of the World, Association for World Education, CHANGE, Defence for Children International, Education International, Inter-African Committee on Traditional Practices Affecting the Health of Women and Children, International Abolitionist Federation, International Alliance of Women - Equal Rights, Equal Responsibilities, International Baccalaureate Organisation, International Council of Jewish Women, International Council of Women, International Council on Social Welfare, International Federation of Social Workers, International Movement ATD Fourth World, International PEN, International Women's Tribune Centre, Lutheran World Federation, National Council of German Women's Organizations - Federal Union of Women's Organizations, Socialist International Women, Soroptimist International, Women's International League for Peace and Freedom, Women's International Zionist Organization, World Conference on Religion and Peace, World Federation of Democratic Youth, World Federation of United Nations Associations, World Union of Catholic Women's Organizations, World Vision International, World Young Women's Christian Association, Zonta International) (60th), World Organization against Torture (60th), World Peace Council (60th).

610. A statement in exercise of the right of reply was made by the representative of the Philippines (62nd).

(a) Status of the Convention on the Rights of the Child

611. In the general debate on agenda item 21 (a), statements 2/ were made by the following members of the Commission: Bangladesh (59th), Brazil (59th), China (61st), Cuba (61st), Dominican Republic (55th), Ethiopia (59th), Indonesia (61st), Japan (61st), Malaysia (61st), Nepal (59th), Netherlands (on behalf of the European Union, Bulgaria, Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia, Slovenia) (55th), Philippines (61st), Russian Federation (61st), Sri Lanka (59th), Uganda (55th).

612. The Commission heard statements by the observers for: Honduras (59th), Israel (61st), Kenya (61st), Morocco (61st), New Zealand (61st), Norway (61st), Romania (60th), Slovakia (62nd), Tunisia (61st), Venezuela (62nd). The Observer for Switzerland also made a statement (61st).

613. A statement was also made by the Observer for the Joint United Nations Programme on HIV/AIDS (UNAIDS) (on behalf of the United Nations Children's Fund) (60th).

614. The Commission also heard statements by the following non-governmental organizations: All China Women's Federation (60th), Pax Romana (62nd), World Organization against Torture (60th).

(b) Report of the Special Rapporteur on the sale of children, child prostitution and child pornography

615. In the general debate on agenda item 21 (b), statements 2/ were made by the following members of the Commission: Argentina (61st), Bangladesh (59th), Czech Republic (55th), Egypt (59th), Germany (59th), Netherlands (on behalf of the European Union, Bulgaria, Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia, Slovenia) (55th), Pakistan (61st), Republic of Korea (59th), Sri Lanka (59th).

616. The Commission heard statements by the observers for: Norway (61st), Slovakia (62nd), Thailand (62nd), Tunisia (61st).

617. The Commission also heard a statement by the following non-governmental organization: World Federation of Methodist and Uniting Church Women (60th).

(c) Programme of Action for the Elimination of the Exploitation of Child Labour

618. In the general debate on agenda item 21 (c), statements 2/ were made by the following members of the Commission: Argentina (61st), Brazil (59th), China (61st), Indonesia (61st), Japan (61st), Malaysia (61st), Nepal (59th) Pakistan (61st), Philippines (61st), United States of America (61st).

619. The Commission heard statements by the observers for: Australia (59th), Belgium (60th), Norway (61st), Poland (61st).

620. A statement was also made by the Observer for the International Labour Organization (61st).

621. The Commission also heard statements by the following non-governmental organizations: Federación de Asociaciones de Defensa y Promoción de los Derechos Humanos (61st), Indian Council of Education (61st), International Confederation of Free Trade Unions (60th), International Institute for Non-Aligned Studies (60th), International Progress Organization (60th), Transnational Radical Party (60th).

(d) Question of a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, as well as the basic measures needed for their prevention and eradication

622. In the general debate on agenda item 21 (d), statements 2/ were made by the following members of the Commission: Argentina (61st), Bangladesh (59th), Brazil (59th), China (61st), Cuba (61st), Egypt (59th), Germany (59th), Indonesia (61st), Japan (61st), Malaysia (61st), Nepal (59th), Nicaragua (61st), Pakistan (61st), Republic of Korea (59th), Russian Federation (61st), Sri Lanka (59th).

623. The Commission heard statements by the observers for: Australia (59th), Belgium (60th), Costa Rica (60th), Iran (Islamic Republic of) (62nd), Morocco (61st), New Zealand (61st), Norway (61st), Peru (59th), Slovakia (62nd), Tunisia (61st), Venezuela (62nd). The observers for the Holy See (60th) and Switzerland (61st) also made statements.

624. The Commission also heard statements by the following non-governmental organizations: American Association of Jurists (60th), International Federation of Women Lawyers (60th), International Institute for Non-Aligned Studies (60th), International Progress Organization (60th).

Rights of the child

625. At the 70th meeting, on 18 April 1997, the representative of the Netherlands introduced draft resolution E/CN.4/1997/L.102/Rev.1, sponsored by Argentina, Australia, Austria, Bangladesh, Belgium, Brazil, Canada, Cape Verde, Chile, Colombia, Costa Rica, Cuba, Cyprus, the Czech Republic, Denmark, the Dominican Republic, Ecuador, El Salvador, Ethiopia, Finland, France, Germany, Greece, Guatemala, Iceland, Ireland, Israel, Italy, Liechtenstein, Luxembourg, Mexico, the Netherlands, Nicaragua, Norway, Paraguay, Peru, Poland, Portugal, Romania, San Marino, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Uruguay, Venezuela and Zambia. Angola, Belarus, Benin, Bolivia, Bulgaria, Croatia, Equatorial Guinea, Estonia, Haiti, India, Japan, Latvia, Madagascar, Malta, Nepal, Nigeria, the Philippines, the Republic of Korea, the Russian Federation, Senegal, the former Yugoslav Republic of Macedonia, Tunisia, Ukraine and Zimbabwe subsequently joined the sponsors.

626. The representative of the Netherlands orally revised the draft resolution by replacing the words "disabled children", at the end of operative paragraph 3 (b), by "children with disabilities".

627. The amendments to draft resolution E/CN.4/1997/L.102 proposed by the Philippines (E/CN.4/1997/L.111) were withdrawn. The proposed amendments read as follows:

"Insert the following new section after section VII:

'Children with disabilities

'1. Notes, with concern, the large numbers of children who have become disabled physically or mentally, or both, as a consequence, *inter alia*, of poverty, disease, disasters, armed conflict and all forms of violence;

'2. Recognizes the need for special attention to be directed towards children with disabilities and their families or other caretakers;

'3. Invites Governments, concerned United Nations specialized bodies and agencies, including the United Nations Children's Fund, the World Health Organization and the United Nations Educational, Scientific and Cultural Organization, and non-governmental organizations, especially of persons with disabilities, to conduct awareness-raising activities with a view to combating and overcoming discrimination directed against children with disabilities, and to continue to mainstream children with disabilities in their respective programme activities;

'4. Emphasizes the right of children with disabilities to education and to the enjoyment of the highest attainable standard of physical and mental health and urges Governments to ensure provision of equal access to schools and to comprehensive health services and the adoption of holistic approaches towards the total well-being of all children with disabilities, particularly children at highest risk, including refugees, displaced children, migrant children, children living in settings of violence and its immediate aftermath, those living in disaster areas, street children and children in squatter colonies;

'5. Requests the Committee on the Rights of the Child, in monitoring the implementation of the Convention on the Rights of the Child, to pay attention to the special needs of children with disabilities, and requests the Special Rapporteur on the sale of children, child prostitution and child pornography, within the framework of her mandate, to include information on children with disabilities in her report to the Commission at its fifty-fourth session.'"

628. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

629. The draft resolution, as orally revised, was adopted without a vote.

630. The representative of Uruguay made a statement in connection with the resolution after its adoption.

631. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/78.

XXII. FOLLOW-UP TO THE WORLD CONFERENCE ON HUMAN RIGHTS

632. The Commission considered agenda item 22 at its 62nd meeting, on 14 April, and at its 67th meeting, on 16 April 1997. 1/

633. For the documents issued under agenda item 22, see annex IV to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairman's statements, by agenda item, see annex V to the present report.

634. In the general debate on agenda item 22, statements 2/ were made by the following members of the Commission: Austria (62nd), China (62nd), El Salvador (62nd), Ukraine (62nd).

635. The Commission heard statements by the observers for: Cyprus (62nd), Iran (Islamic Republic of) (62nd), Malta (62nd), Senegal (62nd).

636. A statement was also made by the Observer for the United Nations Educational, Scientific and Cultural Organization (62nd).

637. The Commission also heard statements by the following non-governmental organizations: Commission for the Defense of Human Rights in Central America (62nd), Federación de Asociaciones de Defensa y Promoción de los Derechos Humanos (62nd), Indian Council of Education (62nd).

638. At its 67th meeting, on 16 April 1997, the Commission took up consideration of the draft resolutions submitted under agenda item 22.

Report of the United Nations High Commissioner for Human Rights

639. The representative of Ecuador introduced draft resolution E/CN.4/1997/L.100, sponsored by Argentina, Bolivia, Brazil, Cape Verde, Chile, the Dominican Republic, Ecuador, El Salvador, Honduras, Mexico, Peru, Slovenia and Uruguay. Malta, Paraguay and Venezuela subsequently joined the sponsors.

640. The draft resolution was orally revised by the representative of Ecuador as follows:

(a) At the end of operative paragraph 1, the symbol "(E/CN.4/1997/98 and Add.1 and Add.1/Corr.1)" was added;

(b) In operative paragraph 3, the words "in enhancing the Office and in endowing the Centre for Human Rights" were replaced by "in enhancing the Centre for Human Rights and in endowing it";

(c) In operative paragraph 4, after "support", the words "the Office of" were deleted; before "constitute", the words "these entities" were replaced by "they".

641. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/68.

Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action

642. The representative of Austria introduced draft resolution E/CN.4/1997/L.107, sponsored by Argentina, Austria, Bolivia, Bosnia and Herzegovina, Cape Verde, Chile, Colombia, Cyprus, the Czech Republic, Denmark, Ethiopia, Finland, France, Germany, Ghana, Guatemala, Haiti, Hungary, Ireland, Israel, Italy, Lithuania, Luxembourg, Malta, Mongolia, Portugal, the Republic of Korea, Romania, Slovakia, Slovenia, Sweden, the former Yugoslav Republic of Macedonia, Ukraine and Uruguay. Australia, Bangladesh, Belarus, Bulgaria, Canada, the Dominican Republic, Egypt, El Salvador, Greece, Latvia, Liechtenstein, Madagascar, Mozambique, New Zealand, Paraguay, Poland, South Africa, Spain, Thailand, the United States of America, Venezuela and Zambia subsequently joined the sponsors.

643. The representative of Austria orally revised the draft resolution by deleting, in operative paragraph 6, the words "and the Commission on Human Rights".

644. The draft resolution, as orally revised, was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/69.

XXIII. THE QUESTION OF CONSCIENTIOUS OBJECTION TO MILITARY SERVICE

645. The Commission considered agenda item 23 at its 62nd meeting, on 14 April 1997. 1/

646. For the documents issued under agenda item 23, see annex IV to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairman's statements, by agenda item, see annex V to the present report.

647. In the general debate on agenda item 23, the Commission heard statements by the following non-governmental organizations: Friends World Committee for Consultation (Quakers) (joint statement with Amnesty International), Indian Council of Education, Transnational Radical Party.

648. At its 67th meeting, on 16 April 1997, the Commission decided to defer consideration of agenda item 23 to its fifty-fourth session (see also chap. III, paras. 19-20).

649. For the text of the decision as adopted, see chapter II, section B, decision 1997/117.

XXIV. INDIGENOUS ISSUES

650. The Commission considered agenda item 24 at its 31st to 34th meetings, on 1 and 2 April, and at its 57th and 58th meetings, on 11 April 1997. 1/

651. For the documents issued under agenda item 24, see annex IV to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairman's statements, by agenda item, see annex V to the present report.

652. At the 31st meeting, on 1 April 1997, the Chairperson-Rapporteur of the working group established in accordance with Commission on Human Rights resolution 1995/32 of 3 March 1995, Mr. José Urrutia, introduced the report of the working group (E/CN.4/1997/102).

653. In the general debate on agenda item 24, statements 2/ were made by the following members of the Commission: Argentina (33rd), Bangladesh (32nd), Brazil (33rd), Canada (33rd), Chile (32nd), China (32nd), Denmark (on behalf of the Nordic countries)(31st), Malaysia (32nd), Mexico (33rd), Nicaragua (33rd), Russian Federation (32nd), Ukraine (31st).

654. The Commission heard statements by the observers for: Australia (32nd), Estonia (32nd), New Zealand (32nd), Peru (32nd), Spain (32nd). The Observer for Switzerland also made a statement (32nd).

655. The Commission also heard statements by the following non-governmental organizations: American Association of Jurists (32nd), Anti-Slavery International (34th), Asian Cultural Forum on Development (32nd), Center for European Studies (34th), Commission of the Churches on International Affairs of the World Council of Churches (32nd), Indian Law Resource Centre (32nd), Indigenous World Association (32nd), International Association of Educators for World Peace (33rd), International Educational Development, Inc. (33rd), International Federation of Rural Adult Catholic Movements (32nd), International Indian Treaty Council (34th), International League for Human Rights (32nd), International League for the Rights and Liberation of Peoples (32nd), International Organization for the Development of Freedom of Education (32nd), International Organization of Indigenous Resource Development (32nd), International Work Group for Indigenous Affairs (32nd), Inuit Circumpolar Conference (32nd), Liberation (33rd), Pax Christi International (33rd), Permanent Assembly for Human Rights (32nd), Saami Council (33rd), Society for Threatened Peoples (33rd), United Towns Agency for North-South Cooperation (34th), War Resisters' International (34th).

656. Statements in exercise of the right of reply or its equivalent were made by the representative of the Philippines (34th) and by the Observer for Thailand (34th).

A permanent forum for indigenous people in the United Nations system

657. At the 57th meeting, on 11 April 1997, the representative of Denmark introduced draft resolution E/CN.4/1997/L.63, sponsored by Argentina, Belgium, Benin, Bolivia, Canada, Chile, Colombia, Cyprus, Denmark, the Dominican

Republic, El Salvador, Estonia, Finland, Greece, Guatemala, Honduras, Iceland, Latvia, Mexico, Nepal, the Netherlands, New Zealand, Nicaragua, Norway, Peru, Portugal, the Russian Federation, Spain, Sweden, Switzerland, Ukraine, Uruguay and Venezuela. Costa Rica, Ecuador and Equatorial Guinea subsequently joined the sponsors.

658. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

659. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/30.

660. In view of the adoption of resolution 1997/30, the Commission took no action on draft decision 9 recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission (see E/CN.4/1997/2-E/CN.4/Sub.2/1996/41, chap. I).

Working group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of General Assembly resolution 49/214 of 23 December 1994

661. At the 57th meeting, on 11 April 1997, the representative of Canada introduced draft resolution E/CN.4/1997/L.70, sponsored by Australia, Bolivia, Brazil, Canada, Chile, Cyprus, Denmark, Finland, Greece, Guatemala, Mexico, New Zealand, Nicaragua, Norway, Peru, Sweden and Switzerland. Argentina, Ecuador, Estonia and the United States of America subsequently joined the sponsors.

662. A statement in connection with the draft resolution was made by the representative of the United States of America.

663. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

664. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/31.

Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the International Decade of the World's Indigenous People

665. At the 57th meeting, on 11 April 1997, the Observer for New Zealand introduced draft resolution E/CN.4/1997/L.77, sponsored by Australia, Bolivia, Canada, Chile, Colombia, Denmark, Estonia, Finland, Greece, Guatemala, Honduras, Mexico, New Zealand, Nicaragua, Norway, Peru, Spain, Sweden and Switzerland. Argentina, Brazil, the Philippines and the Russian Federation subsequently joined the sponsors.

666. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications 3/ of the draft resolution.

667. The draft resolution was adopted without a vote. For the text of the resolution as adopted, see chapter II, section A, resolution 1997/32.

668. In view of the adoption of resolution 1997/32, the Commission took no action on draft decisions 7 and 8 recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission (see E/CN.4/1997/2-E/CN.4/Sub.2/1996/41, chap. I).

Protection of the heritage of indigenous people

669. At its 57th meeting, on 11 April 1997, the Commission considered draft decision 10 recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission (see E/CN.4/1997/2-E/CN.4/Sub.2/1996/41, chap. I).

670. The Chairman orally amended the draft decision by deleting the following sentence, which requested a technical meeting that had already taken place: "The Commission requests the Secretary-General to convene, at the earliest possible opportunity, a technical meeting of representatives of the World Intellectual Property Organization, the United Nations Educational, Scientific and Cultural Organization, the United Nations Environment Programme, the United Nations Development Programme, the Food and Agriculture Organization of the United Nations and the World Trade Organization with the Special Rapporteur to consider how they can contribute to her work in this field, and to transmit the report of this meeting to the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the Commission on Human Rights."

671. The draft decision, as orally amended, was adopted without a vote. For the text of the decision as adopted, see chapter II, section B, decision 1997/112.

Study on treaties, agreements and other constructive arrangements between States and indigenous populations

672. At its 57th meeting, on 11 April 1997, the Commission considered draft decision 12 recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission (see E/CN.4/1997/2-E/CN.4/Sub.2/1996/41, chap. I).

673. The draft decision was adopted without a vote. For the text of the decision as adopted, see chapter II, section B, decision 1997/113.

Study on indigenous land rights

674. At the 58th meeting, on 11 April 1997, the Observer for Cyprus introduced draft decision E/CN.4/1997/L.98, sponsored by Bolivia, Cameroon, Cyprus, Ethiopia, Georgia, Greece, Pakistan and the Russian Federation. Canada, Chile, Guatemala and Peru subsequently joined the sponsors.

675. A statement in connection with the draft decision was made by the Observer for New Zealand.

676. The draft decision was adopted without a vote.

677. The representatives of Japan and the Netherlands made statements in connection with the decision after its adoption.

678. For the text of the decision as adopted, see chapter II, section B, decision 1997/114.

679. In view of the adoption of decision 1997/114, the Commission took no action on draft decision 11 recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission (see E/CN.4/1997/2-E/CN.4/Sub.2/1996/41, chap. I).

XXV. DRAFT PROVISIONAL AGENDA FOR THE FIFTY-FOURTH SESSION OF THE COMMISSION

680. The Commission considered agenda item 25 at its 70th meeting, on 18 April 1997. 1/

681. In accordance with paragraph 3 of Economic and Social Council resolution 1894 (LVII), the Commission had before it a note by the Secretary-General (E/CN.4/1997/L.1) containing a draft provisional agenda for the fifty-fourth session of the Commission and indicating the documents to be submitted under each agenda item and the legislative authority for their consideration.

682. The Commission took note of the draft provisional agenda for the fifty-fourth session of the Commission, which read as follows:

1. Election of officers.

2. Adoption of the agenda.

3. Organization of the work of the session.

   Legislative authority: relevant resolutions and decisions of the General Assembly, the Economic and Social Council and the Commission.

   Documentation:

   Comprehensive analytical report of the United Nations High Commissioner for Human Rights on the setting up of a permanent office and on developments in the situation of human rights in Colombia (statement agreed on by consensus by the Commission, made by the Chairman on 16 April 1997).

4. Question of the violation of human rights in the occupied Arab territories, including Palestine.

   Legislative authority: Commission resolutions 1997/1 and 1997/2.

   Documentation:

   (a) Report of the Special Rapporteur (resolution 1993/2 A, para. 4);

   (b) Reports of the Secretary-General (resolution 1997/1, para. 8; resolution 1997/2, para. 6);

   (c) List of United Nations reports issued between sessions of the Commission that deal with the conditions in which the citizens of the Palestinian and other occupied Arab territories are living under the Israeli occupation (resolution 1997/1, para. 9).

5. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights, including:

   (a) Problems related to the right to enjoy an adequate standard of living; foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development;

   (b) The effects of the existing unjust international economic order on the economies of the developing countries, and the obstacle that this represents for the implementation of human rights and fundamental freedoms.

   Legislative authority: Commission resolutions 1997/7, 1997/8, 1997/9, 1997/10, 1997/11 and 1997/17 and decision 1997/103.

   Documentation:

   (a) Reports of the United Nations High Commissioner for Human Rights (resolution 1997/8, para. 7; resolution 1997/11, paras. 7 (f) and (h);

   (b) Report of the Special Rapporteur on the question of the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights (resolution 1997/9, paras. 9-12);

   (c) Reports of the Secretary-General (resolution 1997/10, para. 11; resolution 1997/17, para. 6 (b) (i);

   (d) Report of the working group (decision 1997/103);

   (e) Report of the independent expert (decision 1997/103).

6. Question of the realization of the right to development.

   Legislative authority: Commission resolutions 1996/15 and 1997/72.

   Documentation:

   (a) Report of the intergovernmental working group of experts (resolution 1996/15, para. 15 (b));

   (b) Report of the Secretary-General (resolution 1997/72, para. 14).

7. The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation.

Legislative authority: Commission resolutions 1995/5, 1997/4 and 1997/5 and decision 1997/120.

Documentation:

(a) Report of the Secretary-General (resolution 1997/4, para. 3);

(b) Report of the Special Rapporteur on the use of mercenaries (resolution 1995/5, para. 4; decision 1997/120).

8. Question of the human rights of all persons subjected to any form of detention or imprisonment, in particular:

(a) Torture and other cruel, inhuman or degrading treatment or punishment;

(b) Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(c) Question of enforced or involuntary disappearances;

(d) Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Legislative authority: Commission resolutions 1996/31, 1996/62, 1997/23, 1997/24, 1997/25, 1997/26, 1997/27, 1997/28, 1997/29, 1997/38 and 1997/50 and decisions 1997/106 and 1997/110.

Documentation:

(a) Report of the Secretary-General on human rights and forensic science (resolution 1996/31, para. 7);

(b) Report of the Special Rapporteur on the independence of judges and lawyers (resolution 1997/23, para. 8);

(c) Report of the working group on the draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (resolution 1997/24, paras. 2 and 6);

(d) Comprehensive and independent study on the safety and security problems faced by United Nations and other personnel (resolution 1997/25, para. 5 (e));

(e) Report of the Working Group on Enforced or Involuntary Disappearances (resolution 1997/26, para. 9);

(f) Report of the Special Rapporteur on the right to freedom of opinion and expression (resolution 1997/27, para. 13);

(g) Report of the Secretary-General on the right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms (resolution 1997/29, para. 4);

(h) Annual report of the Secretary-General on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (resolution 1997/38, para. 16);

(i) Report of the Special Rapporteur on the question of torture (resolution 1997/38, para. 29);

(j) Report of the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture (resolution 1997/38, para. 38);

(k) Report of the Secretary-General on the operations of the United Nations Voluntary Fund for Victims of Torture (resolution 1997/38, para. 39);

(l) Report of the Working Group on Arbitrary Detention (resolution 1997/50, para. 16);

(m) Updated report of the Secretary-General on children and juveniles in detention (decision 1997/106);

(n) Annual report of the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on human rights and states of emergency (decision 1997/110).

9. Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission:

(a) Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms;

(b) National institutions for the promotion and protection of human rights;

(c) Coordinating role of the Centre for Human Rights within the United Nations bodies and machinery dealing with the promotion and protection of human rights;

(d) Human rights, mass exoduses and displaced persons.

Legislative authority: Commission resolutions 1997/35, 1997/36, 1997/37, 1997/39, 1997/40, 1997/42, 1997/43, 1997/44, 1997/45, 1997/75 and 1997/76 and decisions 1997/111, 1997/116 and 1997/124.

Documentation:

(a) List by the Secretary-General of all persons currently constituting the thematic and country procedures, including their country of origin (resolution 1997/37, para. 10 (b));

(b) Report of the representative of the Secretary-General on internally displaced persons (resolution 1997/39, para. 6);

(c) Report of the Secretary-General on national institutions for the promotion and protection of human rights (resolution 1997/40, para. 21);

(d) Report of the Secretary-General on human rights and terrorism (resolution 1997/42, para. 7);

(e) Report of the Secretary-General on the question of integrating the human rights of women throughout the United Nations system (resolution 1997/43, para. 15);

(f) Report of the Special Rapporteur on violence against women (resolution 1997/44, para. 14);

(g) Report of the Secretary-General on regional arrangements for the promotion and protection of human rights in the Asian and Pacific region (resolution 1997/45, para. 27);

(h) Updated report of the United Nations High Commissioner for Human Rights on human rights and mass exoduses (resolution 1997/75, para. 18);

(i) Report of the High Commissioner for Human Rights on the implementation of resolution 1997/76 (para. 5 (f)).

10. Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories, including:

(a) Question of human rights in Cyprus;

(b) Study of situations which appear to reveal a consistent pattern of gross violations of human rights as provided for in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII): report of the Working Group on Situations established by Economic and Social Council resolution 1990/41 of 25 May 1990.

Legislative authority: Commission resolutions 1997/53, 1997/54, 1997/55, 1997/56, 1997/57, 1997/58, 1997/59, 1997/60, 1997/61, 1997/62, 1997/63, 1997/64, 1997/65, 1997/66, 1997/67 and 1997/77 and decision 1997/121.

Documentation:

(a) Report of the Special Rapporteur on the situation of human rights in Nigeria (resolution 1997/53, para. 4 (a));

(b) Report of the Special Representative of the Commission on the situation of human rights in the Islamic Republic of Iran (resolution 1997/54, para. 4 (a));

(c) Report of the Secretary-General on the situation of human rights in southern Lebanon and West Bekaa (resolution 1997/55, para. 6 (b));

(d) Report of the Secretary-General on reprisals against those cooperating with representatives of United Nations human rights bodies (resolution 1997/56, para. 6);

(e) Reports of the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia (resolution 1997/57, para. 42 (c));

(f) Joint report of the Special Rapporteurs on the situation of human rights in Zaire and on extrajudicial, summary or arbitrary executions and a member of the Working Group on Enforced or Involuntary Disappearances on the situation of human rights in eastern Zaire (resolution 1997/58, para. 6 (a));

(g) Report of the Special Rapporteur on the situation of human rights in Zaire (resolution 1997/58, para. 6 (c));

(h) Report of the Special Rapporteur on the situation of human rights in the Sudan (resolution 1997/59, paras. 26-27);

(i) Report of the Special Rapporteur on the situation of human rights in Iraq (resolution 1997/60, para. 4 (a));

(j) Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (resolution 1997/61, para. 8 (a));

(k) Report of the Special Rapporteur on the situation of human rights in Cuba (resolution 1997/62, para. 14);

(l) Report of the Secretary-General on the situation of human rights in East Timor (resolution 1997/63, para. 4 (a));

(m) Report of the Special Rapporteur on the situation of human rights in Myanmar (resolution 1997/64, para. 4 (a));

(n) Report of the Special Rapporteur on the situation of human rights in Afghanistan (resolution 1997/65, para. 24);

(o) Report of the Special Representative on the situation of human rights in Rwanda (resolution 1997/66, para. 21);

(p) Report of the United Nations High Commissioner for Human Rights on the implementation of resolution 1997/66 (resolution 1997/66, para. 24);

(q) Report of the Special Rapporteur on the situation of human rights in Equatorial Guinea (resolution 1997/67, para. 14);

(r) Report of the Special Rapporteur on the situation of human rights in Burundi (resolution 1997/77, para. 27);

(s) Report of the Secretary-General on the question of human rights in Cyprus (decision 1997/121).

11. Measures to improve the situation and ensure the human rights and dignity of all migrant workers.

Legislative authority: Commission resolutions 1997/13, 1997/14 and 1997/15.

Documentation:

(a) Reports of the Secretary-General (resolution 1997/13, para. 10; resolution 1997/14, para. 7).

(b) Report of the working group of intergovernmental experts (resolution 1997/15, para. 4).

12. Racism, racial discrimination, xenophobia and related intolerance.

Legislative authority: Commission resolutions 1995/11, 1997/73 and 1997/74.

Documentation:

(a) Annual report of the Secretary-General (resolution 1995/11, para. 22);

(b) Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (resolution 1997/73, para. 18; resolution 1997/74, para. 37);

(c) Reports of the Secretary-General (resolution 1997/74, paras. 14 and 51).

13. Status of the International Covenants on Human Rights.

Legislative authority: Commission resolutions 1997/12 and 1997/17 and decision 1997/104.

Documentation:

Reports of the Secretary-General (resolution 1997/12, para. 6; resolution 1997/17, para. 6 (b) (ii); decision 1997/104).

14. Effective functioning of bodies established pursuant to United Nations human rights instruments.

Legislative authority: Commission decision 1997/105.

Documentation:

Reports of the Secretary-General (subparas. (b)-(c)).

15. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its forty-ninth session.

Legislative authority: Commission resolutions 1997/19, 1997/21 and 1997/22 and decision 1997/107.

Documentation:

(a) Report of the Secretary-General on traffic in women and girls (resolution 1997/19, para. 12);

(b) Analytical report of the Secretary-General on the question of minimum humanitarian standards (resolution 1997/21, para. 4);

(c) Report of the Chairman of the Sub-Commission (resolution 1997/22, para. 10).

16. Rights of persons belonging to national or ethnic, religious and linguistic minorities.

Legislative authority: Commission resolution 1997/16.

Documentation:

(a) Report of the Working Group on Minorities of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (para. 14);

(b) Report of the Secretary-General (para. 15).

17. Advisory services in the field of human rights.

Legislative authority: Commission resolutions 1997/46, 1997/47, 1997/49, 1997/51 and 1997/52 and decision 1997/120.

Documentation:

(a) Analytical report of the Secretary-General on progress in the implementation of the programme of advisory services and technical cooperation in the field of human rights and on the operation and administration of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights (resolution 1997/46, para. 17);

(b) Report of the independent expert on the situation of human rights in Somalia (resolution 1997/47, para. 6);

(c) Report of the Special Representative of the Secretary-General on the situation of human rights in Cambodia (resolution 1997/49 and decision 1997/120);

(d) Report of the Secretary-General on the role of the Centre for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights (resolution 1997/49, para. 27);

(e) Report of the Secretary-General on the evolution of the situation of human rights in Guatemala (resolution 1997/51, para. 15);

(f) Report of the independent expert on the situation of human rights in Haiti (resolution 1997/52, para. 14).

18. Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

Legislative authority: Commission resolution 1997/18.

Documentation:

Report of the Special Rapporteur (para. 12).

19. Drafting of a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms.

Legislative authority: Commission resolution 1997/70.

Documentation:

Report of the working group (resolution 1997/70).

20. Rights of the child, including:

(a) Status of the Convention on the Rights of the Child;

(b) Report of the Special Rapporteur on the sale of children, child prostitution and child pornography;

(c) Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography;

(d) Question of a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, as well as the basic measures needed for their prevention and eradication.

Legislative authority: Commission resolutions 1992/74 and 1997/78.

Documentation:

(a) Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the state of implementation of the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography (resolution 1992/74, section I, para. 8);

(b) Report of the Special Rapporteur on the sale of children, child prostitution and child pornography (resolution 1997/78, para. 8(a));

(c) Report of the working group on a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (resolution 1997/78, para. 9(b));

(d) Report of the working group on a draft optional protocol to the Convention on the Rights of the Child on involvement of children in armed conflicts (resolution 1997/78, para. 14(b));

(e) Report of the Secretary-General on the status of the Convention on the Rights of the Child (resolution 1997/78, para. 21(b)).

21. Follow-up to the World Conference on Human Rights.

Legislative authority: Commission resolutions 1997/68 and 1997/69.

Documentation:

Report of the United Nations High Commissioner for Human Rights on the comprehensive implementation of the Vienna Declaration and Programme of Action (resolution 1997/69, para. 14).

22. The question of conscientious objection to military service.

Legislative authority: Commission resolution 1995/83 and decision 1997/117.

Documentation:

Report of the Secretary-General (resolution 1995/83, para. 10).

23. Indigenous issues.

Legislative authority: Commission resolutions 1997/30, 1997/31 and 1997/32.

Documentation:

(a) Report of the United Nations High Commissioner for Human Rights (resolution 1997/30, para. 8);

(b) Progress report of the working group on a draft declaration (resolution 1997/31, para. 6);

(c) Updated report of the High Commissioner for Human Rights (resolution 1997/32, para. 14).

24. Election of members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

Legislative authority: Economic and Social Council resolutions 1334 (XLIV) and 1986/35 and decisions 1978/21 and 1987/102.

Documentation:

Note by the Secretary-General containing nominations of candidates for election to membership of the Sub-Commission.

25. Draft provisional agenda for the fifty-fifth session of the Commission.

Legislative authority: Economic and Social Council resolution 1894 (LVII).

Documentation:

Note by the Secretary-General containing the draft provisional agenda for the fifty-fifth session of the Commission, together with information concerning documentation relating thereto.

26. Report to the Economic and Social Council on the fifty-fourth session of the Commission.

Legislative authority: rule 38 of the rules of procedure of the functional commissions of the Economic and Social Council.

XXVI. REPORT TO THE ECONOMIC AND SOCIAL COUNCIL ON THE FIFTY-THIRD SESSION OF THE COMMISSION

683. At its 70th meeting, on 18 April 1997, the Commission considered the draft report on the work of its fifty-third session. The draft report, as contained in documents E/CN.4/1997/L.10 and Add.1-21 and E/CN.4/1997/L.11 and Add.1-9, and as amended in the course of the discussion, was adopted *ad referendum* and the Commission decided to entrust the Rapporteur with its finalization.

Notes

1/ Summary records of each of the meetings are subject to correction. They are considered final with the issuance of a consolidated corrigendum (E/CN.4/1997/SR.1-70/Corrigendum).

2/ The number in parentheses following the name of a State or organization indicates the meeting at which the statement was made.

3/ An estimate of the administrative and programme budget implications of Commission resolutions and decisions appears in annex III.

ANNEXES

Annex I

ATTENDANCE

Members

Algeria

Mr. Mohamed-Salah Dembri, Mr. Mohamed Hassaine**
Ms. Anissa Bouabdallah**, Mr. Abdelhamid Bendaoud**,
Mr. Lazhar Soualem**, Mr. Said Khelifi**, Mr. Chems Eddine Zelaci**,
Mr. Hamed-Abdelouahab Ahmed**

Angola

Mr. Aniceto da Costa Aragão, Mr. João da Cunha Caetano**,
Mr. Mário de Azevedo Constantino**, Mr. Adriano A. Teixeira Parreira**

Argentina

Ms. Zelmira M. Regazzoli, Mr. Manuel Benítez*, Mr. Hernán Plorutti**,
Ms. Magdalena von Beckh Widmanstetter**, Mr. Martín García Moritán**,
Mr. Roberto Morais**

Austria

Mr. Christian Strohal, Mr. Harald Kreid, Ms. Gudrun Graf**,
Mr. Engelbert Theuermann**, Ms. Elisabeth Schiefermair**,
Ms. Elisabeth Bertagnoli**, Mr. Franz-Josef Homann-Herimberg**,
Mr. Robert Zischg**, Ms. Sigrid Klein**, Ms. Regina Figl**,
Ms. Ingrid Kircher**

Bangladesh

Mr. Abdul Matin Khasru, Mr. Farooq Sobhan*,
Mr. Iftekhar Ahmed Chowdhury**, Mr. Jamil Majid**,
Mr. M. Mijarul Quayes**, Mr. M. Shahidul Islam**,
Mr. M. Waliullah**, Mr. Md. Abu Hanif Talukder**,
Mr. Md. Rafiqul Islam**

Belarus

Mr. Stanislau S. Agurtsou, Ms. Alena Kupchyna*, Ms. Nina Mazay*

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* Alternate.

** Adviser.

Benin

Mr. Ismael Tidjani-Serpos, Mr. Arsène Capo-Chichi**,
Mr. Zacharie Richard Akplogan**

Bhutan

Mr. Jigmi Y. Thinley, Mr. Kinga Singye**, Mr. Karma T. Rinchhen**,
Mr. Phuntsho Wangdi**

Brazil

Mr. Gilberto Vergne Saboia, Mr. José Augusto Lindgren Alves**,
Mr. Marcos Vinícius Pinta Gama**, Ms. Ana Cândida Perez**,
Mr. Antonio Luis Espinola Salgado**, Ms. Maria Helena Pinheiro Penna**,
Ms. Simoni Privato Goidanich**, Ms. Ana Liesi Thurler**,
Mr. Hélio Bicudo**, Mr. Marco Antonio Diniz Brandão**

Bulgaria

Mr. Vladimir Sotirov, Ms. Liudmila Bojkova*, Mr. Petar Kolarov*,
Mr. Marin Raikov**, Ms. Guenoveva Tisheva**

Canada

Mr. Ross Hynes, Mr. Andrew McAlister*, Ms. Adele Dion**,
Mr. Robert Lawrence**, Mr. Wayne Lord**, Mr. Peter Splinter**,
Mr. André Giroux**, Mr. Gavin Buchan**, Ms. Kirsten Mlacak**,
Ms. Sabine Nölke**, Ms. Keltie Patterson**, Ms. Debra Anne Young**,
Mr. Christian Deslauriers**, Ms. Anne Bayefsky**

Cape Verde

Mr. Luís de Matos Monteiro da Fonseca, Mr. Jorge Tolentino Araújo**

Chile

Mr. Jorge Berguño, Mr. Cristián Maquieira Astaburuaga*,
Ms. Carmen Hertz Cádiz*, Mr. Luis Lillo*,
Mr. Carlos Parker Almonacid*, Mr. Ricardo Herrera Rojas*,
Mr. Alejandro Salinas Rivera*

China

Mr. Wu Jianmin, Mr. Wang Guangya*, Mr. Li Baodong*,
Mr. Liu Xinsheng*, Mr. Wang Min*, Mr. Xie Bohua*, Ms. Sonam**,
Mr. Dai Yuzhong**, Mr. Wang Zuoan**, Mr. Li Fan**,
Mr. Huang Fengxiang**, Ms. Bi Hua**, Mr. Li Wufeng**,
Mr. Zhang Xide**, Ms. Liu Jinfeng**, Ms. Wang Yuehua**,
Ms. Niu Lihua**, Mr. Xu Hong**, Mr. Ren Yisheng**, Mr. Feng Wei**,
Ms. Qi Xiaoxia**, Mr. Long Xuequn**, Ms. Dong Zhihua**,
Mr. Cong Jun**, Ms. Li Nan**

Colombia

Mr. Gustavo Castro Guerrero, Mr. Camilo Reyes Rodríguez*,
Mr. Armando Sarmiento Mantilla*, Mr. Carlos Vicente de Roux*,
Ms. Sonia Elach Polo*, Ms. María Francisca Arias-Johner*,
Mr. Alberto Díaz Uribe*, Mr. Miguel Camilo Ruiz Blanco*,
Mr. Harold Sandoval Bernal*, Mr. Carlos Roberto Sáenz Vargas*,
Mr. Felipe de Jesús Alaniz Nieto*, Mr. Juan Manuel Osorio*,
Mr. Andrés Abella*, Mr. Rafael Calixto Amador*,
Mr. Ernesto Borda Medina*, Mr. Carlos Eduardo Sarmiento*

Cuba

Mr. Carlos Amat Forés, Mr. Abelardo Moreno Fernández*,
Mr. Juan Antonio Fernández Palacio*, Mr. Julio César González**,
Mr. Adrián F. Delgado González**, Ms. Aymée Hernández Quesada**,
Mr. Otto Vaillant Frías**, Mr. Reynaldo García Perera**,
Mr. Marcelo Núñez**, Mr. Antonio E. Marziota Delgado**,
Ms. Ileana Calderín**, Ms. María E. Fiffe Cabreja**,
Mr. Rodolfo Reyes**, Ms. Marianela Ferriol Echevarría**,
Mr. Miguel Alfonso Martínez**

Czech Republic

Mr. Miroslav Somol, Mr. Milan Beránek*, Ms. Zdenka Machnyiková**,
Mr. Karel Hejč**, Mr. Pavel Škoda**, Mr. Richard Krpac**,
Ms. Veronika Pastrnáková**, Mr. Pavol Šepelák**, Mr. Josef Buzalka**

Denmark

Mr. Tyge Lehmann, Mr. Hans Henrik Bruun, Mr. Ole Egberg Mikkelsen*,
Mr. Peder Ventegodt*, Mr. Jens Faerkel*, Mr. Dan E. Frederiksen*,
Mr. Per Fischer*, Ms. Tina Pedersen**, Ms. Aase Mikkelsen**,
Ms. Marianne Lykke Thomsen**, Mr. Jens Vedsted-Hansen**,
Mr. Erik Holst**, Ms. Inge Skjoldager**, Mr. Ole Hartling**,
Mr. Morten Kjaerum**, Mr. Erik Arnsted**, Mr. John Saietz**,
Ms. Lene Wang Kristensen**, Ms. Caroline Rubow**, Mr. Inuuteq Olsen**

Dominican Republic

Ms. Angelina Bonetti Herrera, Ms. Rhadys Abreu de Polanco*,
Ms. Rossina Abreu*

Ecuador

Mr. Antonio Rodas Pozo, Mr. Federico Meneses Espinosa**,
Mr. Germán Alejandro Ortega Almeida**, Mr. Gustavo Anda Sevilla**

Egypt

Mr. Mounir Zahran, Ms. Naéla Gabr**, Mr. Reda Bebars**,
Ms. Islah Amin**, Mr. Aly El Kadi**, Mr. Hassan Abdelmoneim Mostafa**,
Ms. Amani El Etr**, Ms. Nada Deraz**, Mr. Amr Hafez**,
Mr. Hatem El Sayed**

El Salvador

Mr. Alexander A. Kravetz, Ms. Margarita Escobar López**,
Ms. Ana Ligia Escobar Pinel**, Ms. María Soledad Argueta**,
Ms. Lilian Alvarado-Overdiek**, Mr. Alexander Kellman**,
Ms. Carmen Aída Chávez**, Ms. Victoria Marina Velásquez de Avilés**

Ethiopia

Mr. Fisseha Yimer Aboye, Ms. Almaz Amaha Tesfaye*,
Mr. Minelik Alemu Getahun*

France

Mr. Xavier Emmanuelli, Mr. Daniel Bernard, Mr. Jean de Gliniasty**,
Mr. Jean Kahn**, Mr. Alain Sortais**, Mr. Jean-Maurice Ripert**,
Mr. Jean-François Dobelle**, Ms. Véronique Leblanc**,
Mr. Charley Causeret**, Mr. Yves Charpentier**,
Mr. François Carrel-Billiard**, Mr. Hervé Besancenot**,
Mr. Frédéric Desagneaux**, Ms. Sophie Laszlo**,
Ms. Marion Paradas-Bouveau**, Mr. Serge Telle**,
Mr. Gérard Fellous**, Mr. Eric Severe-Jolivet**, Ms. Joëlle Rogé**,
Mr. Jacques Lapouzade**, Mr. Bruno Nedelec**, Mr. Denis Douveneau**,
Mr. Camille Grousselas**, Ms. Delphine Bost**, Mr. Fabrice Labadie**,
Mr. Philippe Bardiaux**

Gabon

Mr. Marcel Eloi Rahandi Chambrier, Mr. Emmanuel Mba Allo,
Mr. Louis Samba Igamba**, Mr. Corentin Hervo-Akendengue**,
Ms. Rose Ondo**, Mr. Patrick Malekou**, Ms. Marionette Angone-Abena**

Germany

Mr. Gerhart Baum, Mr. Wilhelm Höynck, Mr. Wolfgang Gerz*,
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Mr. Peter Schoof**, Mr. Michael Feiner**, Mr. Christian Hellbach**,
Mr. Eltje Aderhold**, Mr. Peter Buschmann**, Mr. Holgar Kolley**,
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Mr. Moctar Ouane

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Mr. Edgar Arturo Cubero Gómez**, Mr. Tonatiuh Romero Reyes**,
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Mr. Volodymyr Vassylenko, Ms. Nina Kovalska*, Mr. Yevhen Semashko**, Mr. Vladyslav Zozulia**

United Kingdom of Great Britain and Northern Ireland

Mr. Henry Steel, Mr. Nigel C. R. Williams*, Ms. Sarah A. Foulds*, Mr. David Campbell*, Sir John C. J. Ramsden**, Mr. Huw Llewellyn**, Mr. David G. H. Frost**, Mr. Ian C. Barnard**, Mr. Paul Bentall**, Mr. Colin N. Wells**, Mr. Ronald Nash**, Mr. Jolyon Welsh**, Mr. Alan Caughey**, Ms. Lorraine Quinn**, Mr. Colin Wilson**, Ms. Audrey Glover**

United States of America

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Uruguay

Mr. Miguel Berthet, Mr. Jorge Pérez Otermin*, Ms. Susana Rivero**, Ms. Silvia Izquierdo**, Ms. Pamela Vivas**, Ms. Laura Dupuy**

Zaire

Mr. Godefroid Marume Mulume, Mr. Balanda Mikwin Leliel, Mr. Mungul, Mr. Thikangu Mukaba, Mr. Tudieshi K. Salomon

Zimbabwe

Mr. Tichaona Joseph Benjamin Jokonya, Mr. Tadeous Tafirenyika Chifamba*, Mr. Bradah Sylvester Maunganidze**, Mr. Maxwell Chikorowonda**, Mr. Kossam Mupezeni**, Mr. Nesbert Kanyowa**, Mr. F. Maonera**, Mr. C. L. Zavazava**, Mr. F. G. Chiweshe**

States Members of the United Nations represented by observers

Afghanistan, Albania, Antigua and Barbuda, Armenia, Australia, Azerbaijan, Bahrain, Belgium, Bolivia, Bosnia and Herzegovina, Botswana, Brunei Darussalam, Burundi, Cameroon, Chad, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Democratic People's Republic of Korea, Equatorial Guinea, Estonia, Finland, Georgia, Ghana, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, Iran (Islamic Republic of), Iraq, Israel, Jordan, Kazakstan, Kenya, Kuwait, Kyrgyzstan, Latvia, Lebanon, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mauritania, Mauritius, Mongolia, Morocco, Myanmar, New Zealand, Nigeria, Norway, Oman, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Qatar, Romania, Rwanda, San Marino, Saudi Arabia, Senegal, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, Spain, Sudan, Swaziland, Sweden, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Tunisia, Turkey, United Arab Emirates, United Republic of Tanzania, Uzbekistan, Venezuela, Viet Nam, Yemen, Zambia

Non-member States represented by observers

Holy See, Switzerland

United Nations Secretariat

Department for Development Support and Management Services, Department of Humanitarian Affairs, United Nations Information Service, United Nations Non-governmental Liaison Service

United Nations bodies

International Decade for Natural Disaster Reduction, Joint United Nations Programme on HIV/AIDS (UNAIDS), Office of the United Nations High Commissioner for Refugees, United Nations Centre for Human Settlements (Habitat), United Nations Children's Fund, United Nations Conference on Trade and Development, United Nations Development Fund for Women, United Nations Development Programme, United Nations Environment Programme, United Nations Institute for Disarmament Research, United Nations Population Fund, United Nations Volunteers

Specialized agencies

Food and Agriculture Organization of the United Nations, International Labour Organization, International Monetary Fund, United Nations Educational, Scientific and Cultural Organization, World Health Organization, World Meteorological Organization

Intergovernmental organizations

Agency for Cultural and Technical Cooperation, Arab Labour Organization, Commonwealth Secretariat, Council of Europe, European Parliament, European Union, International Organization for Migration, League of Arab States, Organization of African Unity, Organization of the Islamic Conference

National human rights institutions

Canadian Human Rights Commission, Commission nationale consultative des droits de l'homme (France), Federal Human Rights and Equal Opportunities Commission of Australia, Human Rights Commission of New Zealand, National Commission on Human Rights and Freedoms of Cameroon, National Human Rights Commission of India, National Human Rights Commission of Indonesia, National Human Rights Commission of Nigeria, National Institution of the Islamic Republic of Iran, Observatoire national des droits de l'homme (Algeria), Philippines Commission on Human Rights, South African Human Rights Commission

National liberation movement

Palestine

Other organizations

International Committee of the Red Cross, Order of Malta

Non-governmental organizations

General consultative status

American Association of Retired Persons

Bochasanwasi Shri Akshar Purushottam Sanstha

Franciscans International

International Abolitionist Federation

International Alliance of Women - Equal Rights, Equal Responsibilities

International Association for Religious Freedom

International Association of Soldiers for Peace

International Centre of Sociological, Penal and Penitentiary Research and Studies

International Confederation of Free Trade Unions

International Council of Voluntary Agencies

International Council of Women

International Council on Social Welfare

International Federation of Red Cross and Red Crescent Societies

International Movement ATD Fourth World

International Save the Children Alliance

International Youth and Student Movement for the United Nations

Inter-Parliamentary Union

Liberal International (World Liberal Union)

Soroptimist International

Transnational Radical Party

Women's International Democratic Federation

World Confederation of Labour

World Conference on Religion and Peace

World Federation of Democratic Youth

World Federation of Trade Unions

World Federation of United Nations Associations

World Muslim Congress

Zonta International

Special consultative status

African Association of Education for Development

African Commission of Health and Human Rights Promoters

Afro-Asian Peoples' Solidarity Organization

All China Women's Federation

All India Women's Conference

American Association of Jurists

Amnesty International

Andean Commission of Jurists

Anglican Consultative Council

Anti-Slavery International

Arab Lawyers Union

Arab Organization for Human Rights

Associated Country Women of the World

Association for the Advancement of Psychological Understanding of Human Nature

Association for the Prevention of Torture

Baha'i International Community

Baptist World Alliance

Caritas Internationalis

Catholic Institute for International Relations

Center for European Studies

Center for Justice and International Law

CHANGE

Christian Children's Fund, Inc.

Christian Democrat International

Coalition against Trafficking in Women

Commission for the Defense of Human Rights in Central America

Commission of the Churches on International Affairs of the World Council of Churches

Conference of European Churches

Coordinating Board of Jewish Organizations

Defence for Children International

Education International

Federación de Asociaciones de Defensa y Promoción de los Derechos Humanos

Four Directions Council

France-Libertés: Fondation Danielle Mitterrand

Freedom House

Friends World Committee for Consultation (Quakers)

General Arab Women Federation

General Conference of the Seventh Day Adventists

Habitat International Coalition

Himalayan Research and Cultural Foundation

Human Rights Advocates, Inc.

Human Rights Internet

Human Rights Watch

Indian Council of Education

Indigenous World Association

Institute for Women, Law and Development

Inter-African Committee on Traditional Practices Affecting the Health of Women and Children

International Association against Torture

International Association for the Defence of Religious Liberty

International Association of Democratic Lawyers

International Association of Jewish Lawyers and Jurists

International Catholic Child Bureau

International Catholic Migration Commission

International Centre for Human Rights and Democratic Development

International Commission of Jurists

International Council of Jewish Women

International Federation of ACAT (Action of Christians for the Abolition of Torture)

International Federation of Human Rights Leagues

International Federation of Journalists

International Federation of Settlements and Neighbourhood Centres

International Federation of Social Workers

International Federation of University Women

International Federation of Women in Legal Career

International Federation of Women Lawyers

International Federation Terre des Hommes

International Fellowship of Reconciliation

International Human Rights Law Group

International Indian Treaty Council

International Institute for Human Rights, Environment and Development

International Institute for Non-Aligned Studies

International Institute of Humanitarian Law

International Islamic Federation of Student Organizations

International League for Human Rights

International League for the Rights and Liberation of Peoples

International Movement for Fraternal Union among Races and Peoples

International Organization for the Development of Freedom of Education

International Organization for the Elimination of All Forms of Racial Discrimination

International Organization of Indigenous Resource Development

International Prison Watch

International Rehabilitation Council for Torture Victims

International Service for Human Rights

International Union of Lawyers

International Women's Health Coalition

International Work Group for Indigenous Affairs

Inuit Circumpolar Conference

Latin American Federation of Associations of Relatives of Disappeared Detainees

Lawyers Committee for Human Rights

Lutheran World Federation

Minnesota Advocates for Human Rights

Movimiento Cubano por la Paz y la Soberanía de los Pueblos

National Bar Association

National Council of German Women's Organizations - Federal Union of Women's Organizations

Netherlands Organization for International Development Cooperation

New Human Rights

North South XXI

Pax Christi International

Pax Romana

Penal Reform International

Permanent Assembly for Human Rights

Prison Fellowship International

Refugee Policy Group

Reporters without Borders - International

Robert F. Kennedy Memorial

Sierra Club Legal Defense Fund, Inc.

Socialist International Women

Society for Threatened Peoples

Susila Dharma International Association

Union of Arab Jurists

United Towns Agency for North-South Cooperation

War Resisters' International

Women's International League for Peace and Freedom

Women's International Zionist Organization

Women's World Summit Foundation

World Alliance of Young Men's Christian Associations

World Association for Psychosocial Rehabilitation

World Association of Girl Guides and Girl Scouts

World Federation for Mental Health

World Federation of Methodist and Uniting Church Women

World Jewish Congress

World Movement of Mothers

World Society of Victimology

World Student Christian Federation

World Union of Catholic Women's Organizations

World University Service

Worldview International Foundation

World Vision International

World Young Women's Christian Association

Roster

African Bureau of Educational Sciences

Aliran Kesedaran Negara - National Consciousness Movement

Article XIX: The International Centre against Censorship

Asian Buddhists Conference for Peace

Asian Cultural Forum on Development

Association for World Education

Centre Europe-Tiers Monde

Christian Solidarity International

Council for International Organizations of Medical Sciences

Foundation of Japanese Honorary Debts

Grand Council of the Crees (of Quebec)

Indian Law Resource Centre

International Association of Educators for World Peace

International Baccalaureate Organisation

International Catholic Society for Girls

International Council of AIDS Service Organizations

International Educational Development, Inc.

International Falcon Movement - Socialist Educational International

International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities

International Federation of Free Journalists

International Federation of Rural Adult Catholic Movements

International Human Rights Association of American Minorities

International Human Rights Internship Program

International Institute for Peace

International Movement against All Forms of Discrimination and Racism

International Peace Bureau

International PEN

International Police Association

International Progress Organization

International Theatre Institute

International Women's Tribune Centre

Liberation

Minority Rights Group

Movement against Racism and for Friendship among Peoples

Regional Council on Human Rights in Asia

Saami Council

SERVAS International

Soka Gakkai International

Survival International Limited

UNDA - International Catholic Association for Radio and Television

United Nations Association of Great Britain and Northern Ireland

World Alliance of Reformed Churches

World Association for the School as an Instrument of Peace

World Christian Life Community

World Organization against Torture

World Organization of Former Students of Catholic Education

World Peace Council

Annex II

AGENDA

1. Election of officers.

2. Adoption of the agenda.

3. Organization of the work of the session.

4. Question of the violation of human rights in the occupied Arab territories, including Palestine.

5. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights, including:

    (a) Problems related to the right to enjoy an adequate standard of living; foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development;

    (b) The effects of the existing unjust international economic order on the economies of the developing countries, and the obstacle that this represents for the implementation of human rights and fundamental freedoms.

6. Question of the realization of the right to development.

7. The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation.

8. Question of the human rights of all persons subjected to any form of detention or imprisonment, in particular:

    (a) Torture and other cruel, inhuman or degrading treatment or punishment;

    (b) Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

    (c) Question of enforced or involuntary disappearances;

    (d) Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

9. Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission:

    (a) Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms;

    (b) National institutions for the promotion and protection of human rights;

    (c) Coordinating role of the Centre for Human Rights within the United Nations bodies and machinery dealing with the promotion and protection of human rights;

    (d) Human rights, mass exoduses and displaced persons.

10. Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories, including:

    (a) Question of human rights in Cyprus;

    (b) Study of situations which appear to reveal a consistent pattern of gross violations of human rights as provided for in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII): report of the Working Group on Situations established by Economic and Social Council resolution 1990/41 of 25 May 1990.

11. Measures to improve the situation and ensure the human rights and dignity of all migrant workers.

12. Human rights and scientific and technological developments.

13. Implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination.

14. Status of the International Covenants on Human Rights.

15. Effective functioning of bodies established pursuant to United Nations human rights instruments.

16. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its forty-eighth session.

17. Rights of persons belonging to national or ethnic, religious and linguistic minorities.

18. Advisory services in the field of human rights.

19. Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

20. Drafting of a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms.

21. Rights of the child, including:

    (a) Status of the Convention on the Rights of the Child;

    (b) Report of the Special Rapporteur on the sale of children, child prostitution and child pornography;

    (c) Programme of Action for the Elimination of the Exploitation of Child Labour;

    (d) Question of a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, as well as the basic measures needed for their prevention and eradication.

22. Follow-up to the World Conference on Human Rights.

23. The question of conscientious objection to military service.

24. Indigenous issues.

25. Draft provisional agenda for the fifty-fourth session of the Commission.

26. Report to the Economic and Social Council on the fifty-third session of the Commission.

Annex III

ADMINISTRATIVE AND PROGRAMME BUDGET IMPLICATIONS OF RESOLUTIONS AND DECISIONS ADOPTED BY THE COMMISSION AT ITS FIFTY-THIRD SESSION

1. At its fifty-third session, the Commission on Human Rights adopted 104 resolutions and decisions.

2. The majority of the resolutions and decisions relate to mandates that do not involve substantive costs or for which provisions have been made in the 1996-1997 programme budget.

3. The Commission approved a few new mandates involving minimal financial implications for the 1996-1997 programme budget. Before taking a decision on these resolutions and decisions, in accordance with regulation 13.1 of the United Nations Financial Regulations and Rules and rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council (ECOSOC), the Commission was informed through oral statements of the estimated costs relating to implementation of the requests contained in the resolutions and decisions.

4. The Commission also approved the termination of four mandates.

5. It is anticipated that the requirements relating to the resolutions and decisions adopted by the Commission will be absorbed from within the provisions made under section 21 of the 1996-1997 approved programme budget for ECOSOC-mandated activities. Thus no additional resources will be required under that section of the programme budget as a result of the adoption of the resolutions and decisions.

6. Accordingly, no statements on administrative and programme budget implications are included in the present report in respect of resolutions and decisions adopted by the Commission in 1997.

7. Finally, the Commission also adopted resolution 1997/74, entitled "Racism, racial discrimination, xenophobia and related intolerance". The requests contained in this resolution relate, inter alia, to activities that are scheduled to take place during the biennium 2000-2001. The administrative and programme budget implications of this resolution are reproduced in document E/CN.4/1997/L.115.

Annex IV

LIST OF DOCUMENTS ISSUED FOR THE FIFTY-THIRD SESSION OF THE COMMISSION

Documents issued in the general series

Symbol	Agenda item	
E/CN.4/1997/1	2	Provisional agenda: note by the Secretary-General
E/CN.4/1997/1/Add.1 and Corr.1	2	Annotations to the provisional agenda prepared by the Secretary-General
E/CN.4/1997/2-E/CN.4/Sub.2/1996/41	16	Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its forty-eighth session
E/CN.4/1997/3	9 and 22	Note by the High Commissioner for Human Rights
E/CN.4/1997/4	8	Report of the Working Group on Arbitrary Detention
E/CN.4/1997/4/Add.1	8 (a)	Decisions adopted by the Working Group on Arbitrary Detention
E/CN.4/1997/4/Add.2	8	Report of the Working Group on Arbitrary Detention: visit to Nepal
E/CN.4/1997/4/Add.3	8	______: follow-up visit to Bhutan
E/CN.4/1997/5	10	Situation of human rights in the territory of the former Yugoslavia: periodic report submitted by Ms. Elisabeth Rehn, Special Rapporteur of the Commission on Human Rights, pursuant to paragraph 45 of Commission resolution 1996/71: human rights and the forthcoming elections in Bosnia and Herzegovina
E/CN.4/1997/6 and Add.1	10	Report on the situation of human rights in Zaire, prepared by the Special Rapporteur, Mr. Roberto Garretón, in accordance with Commission resolution 1996/77

Documents issued in the general series (continued)

Symbol	Agenda item	
E/CN.4/1997/6/Add.2	10	*Idem*: report on the mission carried out at the request of the High Commissioner for Human Rights between 25 and 29 March 1997 to the area occupied by rebels in eastern Zaire
E/CN.4/1997/7	8 (a)	Report of the Special Rapporteur, Mr. Nigel S. Rodley, submitted pursuant to Commission on Human Rights resolution 1995/37 B
E/CN.4/1997/7/Add.1	8 (a)	______: summary of cases transmitted to Governments and replies received
E/CN.4/1997/7/Add.2	8 (a)	______: visit by the Special Rapporteur to Pakistan
E/CN.4/1997/7/Add.3 and Corr.1	8 (a)	______: visit by the Special Rapporteur to Venezuela
E/CN.4/1997/8	10	Situation of human rights in the territory of the former Yugoslavia: periodic report submitted by Ms. Elisabeth Rehn, Special Rapporteur of the Commission on Human Rights, pursuant to paragraph 45 of Commission resolution 1996/71: special report on minorities
E/CN.4/1997/9	10	Situation of human rights in the territory of the former Yugoslavia: periodic report submitted by Ms. Elisabeth Rehn, Special Rapporteur of the Commission on Human Rights, pursuant to paragraph 45 of Commission resolution 1996/71
E/CN.4/1997/10	3	The situation of human rights in the Republic of Chechnya of the Russian Federation: report of the Secretary-General
E/CN.4/1997/11	3	Report of the United Nations High Commissioner for Human Rights on Colombia

Documents issued in the general series (continued)

Symbol	Agenda item	
E/CN.4/1997/12 and Corr.1 and Add.1	3	Second report on the human rights situation in Burundi submitted by the Special Rapporteur, Mr. Paulo Sérgio Pinheiro, in accordance with Commission resolution 1996/1
E/CN.4/1997/13	4	Report of the Secretary-General
E/CN.4/1997/14	4	*Idem*
E/CN.4/1997/15	4	Note by the Secretary-General
E/CN.4/1997/16	4	Report on the situation of human rights in the Palestinian territories occupied since 1967, submitted by Mr. Hannu Halinen, Special Rapporteur, pursuant to Commission on Human Rights resolution 1993/2 A
E/CN.4/1997/17	5	Report of the Secretary-General pursuant to Commission on Human Rights resolution 1996/12
E/CN.4/1997/18	5	Human rights and the environment: report of the Secretary-General prepared in accordance with Commission resolution 1996/13
E/CN.4/1997/19	5	Adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights: progress report submitted by Ms. Fatma Zohra Ksentini, Special Rapporteur, pursuant to Commission resolution 1996/14
E/CN.4/1997/20	5	Report of the open-ended working group on structural adjustment programmes and economic, social and cultural rights on its first session
E/CN.4/1997/21	6	Report of the Secretary-General prepared in accordance with Commission resolution 1996/15

Documents issued in the general series (continued)

Symbol	Agenda item	
E/CN.4/1997/22	6	Progress report of the Intergovernmental Group of Experts on the Right to Development on its first session
E/CN.4/1997/23	7	Situation in occupied Palestine: report of the Secretary-General
E/CN.4/1997/24	7	Report on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, submitted by Mr. Enrique Bernales Ballesteros, Special Rapporteur, pursuant to Commission resolution 1995/5 and Commission decision 1996/113
E/CN.4/1997/25 and Add.1	8	Detention of international civil servants and their families: updated report of the Secretary-General prepared pursuant to Commission on Human Rights resolution 1996/29
E/CN.4/1997/26	8	Children and juveniles in detention: report of the Secretary-General pursuant to Commission on Human Rights resolution 1996/32
E/CN.4/1997/27 and Add.1	8 (a)	United Nations Voluntary Fund for Victims of Torture: report of the Secretary-General
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E/CN.4/1997/29 and Add.1	8	Right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms: report of the Secretary-General
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E/CN.4/1997/34	8 (c)	Report of the Working Group on Enforced or Involuntary Disappearances
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E/CN.4/1997/36	9	Development of public information activities in the field of human rights, including the World Public Information Campaign for Human Rights: report of the Secretary-General
E/CN.4/1997/37	9 (a)	Second International Consultation on HIV/AIDS and Human Rights (Geneva, 23-25 September 1996): report of the Secretary-General
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E/CN.4/1997/43	9 (d)	Internally displaced persons: report of the representative of the Secretary-General, Mr. Francis M. Deng, submitted pursuant to Commission on Human Rights resolution 1996/52
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E/CN.4/1997/44	9	Regional arrangements for the promotion and protection of human rights in the Asian and Pacific region: report of the Secretary-General submitted in accordance with paragraph 24 of Commission on Human Rights resolution 1996/64
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Symbol	Agenda item	
E/CN.4/1997/47	9 (a)	Report of the Special Rapporteur on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy
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E/CN.4/1997/47/Add.2	9 (a)	______: report on the mission of the Special Rapporteur to Brazil on the issue of domestic violence (15-26 July 1996)
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E/CN.4/1997/53	10	Report on the situation of human rights in Cuba submitted by the Special Rapporteur, Mr. Carl-Johan Groth, in accordance with Commission resolution 1996/69 and Economic and Social Council decision 1996/275
E/CN.4/1997/54	10	Report on the human rights situation in Equatorial Guinea submitted by Mr. Alejandro Artucio, Special Rapporteur of the Commission, pursuant to Commission resolution 1996/66
E/CN.4/1997/55 and Corr.1	8 (c) and 10	Special process on missing persons in the territory of the former Yugoslavia: report submitted by Mr. Manfred Nowak, expert member of the Working Group on Enforced or Involuntary Disappearances, responsible for the special process, pursuant to Commission resolution 1996/71
E/CN.4/1997/56	10	Situation of human rights in the territory of the former Yugoslavia: periodic report submitted by Ms. Elisabeth Rehn, Special Rapporteur of the Commission on Human Rights, pursuant to paragraph 45 of Commission resolution 1996/71
E/CN.4/1997/57	10	Report on the situation of human rights in Iraq, submitted by the Special Rapporteur of the Commission on Human Rights, Mr. Max van der Stoel, pursuant to Commission resolution 1996/72

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E/CN.4/1997/59	10	Final report on the situation of human rights in Afghanistan submitted by Mr. Choong-Hyun Paik, Special Rapporteur, in accordance with Commission on Human Rights resolution 1996/75
E/CN.4/1997/60	10	Extrajudicial, summary or arbitrary executions: report by the Special Rapporteur, Mr. Bacre Waly N'diaye, submitted pursuant to Commission on Human Rights resolution 1996/74
E/CN.4/1997/60/Add.1	10	Idem: country situations
E/CN.4/1997/61	10	Report on the situation of human rights in Rwanda submitted by Mr. René Degni-Ségui, Special Rapporteur of the Commission on Human Rights, under paragraph 20 of resolution S-3/1 of 25 May 1994
E/CN.4/1997/62	8 and 10	Report on the situation of human rights in Nigeria prepared by Mr. Bacre Waly N'diaye, Special Rapporteur on extrajudicial, summary or arbitrary executions, and Mr. Param Cumaraswamy, Special Rapporteur on the independence of judges and lawyers
E/CN.4/1997/62/Add.1	10	Idem: submitted in accordance with Commission on Human Rights resolution 1996/79

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Symbol	Agenda item	
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E/CN.4/1997/64	10	Situation of human rights in Myanmar: report of the Special Rapporteur, Mr. Rajsoomer Lallah, submitted in accordance with Commission on Human Rights resolution 1996/80
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E/CN.4/1997/66	12	Human rights and bioethics: report of the Secretary-General
E/CN.4/1997/67	12	Question of the follow-up to the guidelines for the regulation of computerized personal data files: report of the Secretary-General prepared pursuant to Commission decision 1995/114
E/CN.4/1997/68	13	Report of the Secretary-General
E/CN.4/1997/68/Add.1	13	Report of the United Nations seminar to assess the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination with particular reference to articles 4 and 6
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E/CN.4/1997/71	13	Report by Mr. Maurice Glélé-Ahanhanzo, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, submitted pursuant to Commission on Human Rights resolution 1996/21
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E/CN.4/1997/76	16	United Nations Voluntary Trust Fund on Contemporary Forms of Slavery: report of the Secretary-General
E/CN.4/1997/77 and Add.1 and 2	16	Minimum humanitarian standards: report of the Secretary-General prepared pursuant to Commission resolution 1996/26
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E/CN.4/1997/85	18	Situation of human rights in Cambodia: report of the Special Representative of the Secretary-General for human rights in Cambodia, Mr. Thomas Hammarberg, submitted in accordance with Commission resolution 1996/54
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E/CN.4/1997/91	19	Report submitted by Mr. Abdelfattah Amor, Special Rapporteur, in accordance with Commission on Human Rights resolution 1996/23
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E/CN.4/1997/92	20	Report of the working group on its twelfth session
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E/CN.4/1997/95/Add.1	21 (b)	______: visit by the Special Rapporteur to the Czech Republic
E/CN.4/1997/95/Add.2	21 (b)	______: report on the mission of the Special Rapporteur to the United States of America on the issue of commercial sexual exploitation of children (9-20 December 1996)
E/CN.4/1997/96	21	Report of the working group on a draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts on its third session
E/CN.4/1997/97	21 (d)	Report of the working group on its third session

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E/CN.4/1997/101	24	International Decade of the World's Indigenous People: activities undertaken within the United Nations system in preparation for the Decade: report of the High Commissioner for Human Rights and the Coordinator of the Decade
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E/CN.4/1997/105	14	Draft optional protocol to the International Covenant on Economic, Social and Cultural Rights: note by the Secretary-General
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E/CN.4/1997/109	4	Note verbale dated 3 December 1996 from the Permanent Mission of the League of Arab States to the United Nations Office at Geneva addressed to the High Commissioner/Centre for Human Rights
E/CN.4/1997/110	5	Note by the Secretariat
E/CN.4/1997/111	4	Notes verbales dated 18 June, 8 August and 22 October 1996 from the Permanent Mission of the League of Arab States to the United Nations Office at Geneva addressed to the High Commissioner/Centre for Human Rights
E/CN.4/1997/112	5	Note by the Secretariat
E/CN.4/1997/113	10	Note verbale dated 4 February 1997 from the Permanent Mission of Iraq to the United Nations Office at Geneva addressed to the Centre for Human Rights
E/CN.4/1997/114	10	*Idem*
E/CN.4/1997/115	5	Contribution by the Food and Agriculture Organization of the United Nations
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Symbol	Agenda item	
E/CN.4/1997/117	4	Letter dated 27 February 1997 from the Permanent Observer for Palestine to the United Nations Office at Geneva addressed to the Assistant Secretary-General for Human Rights
E/CN.4/1997/118	10	Letter dated 5 March 1997 from the Chargé d'affaires a.i. of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights
E/CN.4/1997/119	9	Letter dated 26 February 1997 from the Permanent Representative of Poland to the United Nations Office at Geneva addressed to the Secretary of the Commission on Human Rights
E/CN.4/1997/120	5	Note verbale dated 12 March 1997 from the Permanent Mission of Myanmar to the United Nations Office at Geneva addressed to the secretariat of the Commission on Human Rights
E/CN.4/1997/121		[Symbol not used]
E/CN.4/1997/122	4	Letter dated 17 March 1997 from the Permanent Representative of Israel to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights
E/CN.4/1997/123	10	Note verbale dated 19 March 1997 from the Permanent Mission of Myanmar to the United Nations Office at Geneva addressed to the secretariat of the Commission on Human Rights
E/CN.4/1997/124	10	Note verbale dated 20 March 1997 from the Permanent Mission of Myanmar addressed to the secretariat of the Commission on Human Rights

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E/CN.4/1997/126	10 (b)	Letter dated 21 March 1997 from the Permanent Representative of the Sudan to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights
E/CN.4/1997/127		[Withdrawn]
E/CN.4/1997/128	3	Letter dated 21 March 1997 from the Permanent Representative of Colombia to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights
E/CN.4/1997/129	10	Report of the Secretary-General on the situation of human rights in Myanmar, submitted pursuant to General Assembly resolution 51/117
E/CN.4/1997/130	18	Letter dated 27 March 1997 from the delegate of the International Organizations Division of the International Committee of the Red Cross addressed to the secretariat of the Commission on Human Rights
E/CN.4/1997/131	9 (a)	Letter dated 21 March 1997 from the Director of the United Nations Development Fund for Women addressed to the Chairman of the Commission on Human Rights
E/CN.4/1997/132	10	Letter dated 24 March 1997 from the Minister for Foreign Affairs of Georgia addressed to the Chairman of the Commission on Human Rights

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E/CN.4/1997/133	8 (c)	Letter dated 27 March 1997 from the Chargé d'affaires a.i. of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights
E/CN.4/1997/134	8	Letter dated 7 April 1997 from the Chargé d'affaires a.i. of the Permanent Mission of the Syrian Arab Republic to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights
E/CN.4/1997/135*	9	Letter from the Ambassador for Human Rights of the Ministry of Foreign Affairs of the Dominican Republic addressed to the Chairman of the Commission on Human Rights
E/CN.4/1997/136	4	Letter dated 9 April 1997 from the Permanent Observer for Palestine to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights
E/CN.4/1997/137	10	Letter dated 10 April 1997 from the Permanent Representative of Israel to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights
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E/CN.4/1997/141	10	Letter dated 14 April 1997 from the Chargé d'affaires a.i. of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights
E/CN.4/1997/142	10	Idem
E/CN.4/1997/143	8 (c)	Letter dated 1 April 1997 from the Permanent Representative of Angola to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights
E/CN.4/1997/144	10	Letter dated 16 April 1997 from the leader of the delegation of the United Kingdom of Great Britain and Northern Ireland to the Commission on Human Rights addressed to the Chairman of the Commission on Human Rights
E/CN.4/1997/145	10	Letter dated 15 April 1997 from the Ambassador of the Niger to Belgium, member of the Islamic Conference Contact Group, addressed to the Chairman of the Commission on Human Rights
E/CN.4/1997/146	10	Letter dated 17 April 1997 from the Permanent Representative of India to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights
E/CN.4/1997/147	19	Letter dated 16 April 1997 from the Permanent Representative of Turkey to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights

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E/CN.4/1997/149	3	Letter dated 18 April 1997 from the Permanent Representative of Colombia to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights
E/CN.4/1997/SR.1-70 a/ and E/CN.4/1997/ SR.1-70/Corrigendum		Summary records of the meetings of the fifty-third session of the Commission and consolidated corrigendum thereto

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E/CN.4/1997/L.8	7	Middle East peace process: draft resolution
E/CN.4/1997/L.9/Rev.1	13	Measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance: draft resolution
E/CN.4/1997/L.10 and Add.1-21	26	Draft report of the Commission on its fifty-third session
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E/CN.4/1997/L.12/Rev.1	13	Racism, racial discrimination, xenophobia and related intolerance: draft resolution
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E/CN.4/1997/L.21/Rev.1	5	The right to food: draft resolution
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E/CN.4/1997/L.52		[Symbol not used]
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E/CN.4/1997/L.59	9	Regional arrangements for the promotion and protection of human rights: draft resolution
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E/CN.4/1997/L.64	9	Human rights and thematic procedures: draft resolution
E/CN.4/1997/L.65	18	Advisory services, technical cooperation and the Voluntary Fund for Technical Cooperation in the Field of Human Rights: draft resolution
E/CN.4/1997/L.66	9 (d)	Internally displaced persons: draft resolution
E/CN.4/1997/L.67	9 (b)	National institutions for the promotion and protection of human rights: draft resolution
E/CN.4/1997/L.68/Rev.1	9	Regional arrangements for the promotion and protection of human rights in the Asian and Pacific region: draft resolution
E/CN.4/1997/L.69	9 (d)	Human rights and mass exoduses: draft resolution
E/CN.4/1997/L.70	24	Working group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of General Assembly resolution 49/214 of 23 December 1994: draft resolution
E/CN.4/1997/L.71	18	Assistance to Somalia in the field of human rights: draft resolution
E/CN.4/1997/L.72	18	Assistance to States in strengthening the rule of law: draft resolution

Documents issued in the limited series (continued)

Symbol	Agenda item	
E/CN.4/1997/L.73	9	Development of public information activities in the field of human rights, including the World Public Information Campaign for Human Rights: draft resolution
E/CN.4/1997/L.74	9	Human rights and terrorism: draft resolution
E/CN.4/1997/L.75	9	Integrating the human rights of women throughout the United Nations system: draft resolution
E/CN.4/1997/L.76	9	The elimination of violence against women: draft resolution
E/CN.4/1997/L.77	24	Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the International Decade of the World's Indigenous People: draft resolution
E/CN.4/1997/L.78	18	Situation of human rights in Haiti: draft resolution
E/CN.4/1997/L.79	8	Question of arbitrary detention: draft resolution
E/CN.4/1997/L.80	18	Situation of human rights in Cambodia: draft resolution
E/CN.4/1997/L.81	10	Situation of human rights in Rwanda: draft resolution
E/CN.4/1997/L.82/Rev.1	10	Situation of human rights in Burundi: draft resolution
E/CN.4/1997/L.83	10	Human rights situation in southern Lebanon and West Bekaa: draft resolution
E/CN.4/1997/L.84/Rev.1	10	Situation of human rights in Equatorial Guinea and assistance in the field of human rights: draft resolution

Documents issued in the limited series (continued)

Symbol	Agenda item	
E/CN.4/1997/L.85	10	Cooperation with representatives of United Nations human rights bodies: draft resolution
E/CN.4/1997/L.86	9	Rationalization of the work of the special procedures system: draft resolution
E/CN.4/1997/L.87	9	Review of the special procedures system: draft resolution
E/CN.4/1997/L.88	10	Situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro): draft resolution
E/CN.4/1997/L.89	10	Human rights in Zaire: draft resolution
E/CN.4/1997/L.90	10	Situation of human rights in the Sudan: draft resolution
E/CN.4/1997/L.91	10	Situation of human rights in China: draft resolution
E/CN.4/1997/L.92	10	Extrajudicial, summary or arbitrary executions: draft resolution
E/CN.4/1997/L.93		[Withdrawn]
E/CN.4/1997/L.94	10	Human rights in Cuba: draft resolution
E/CN.4/1997/L.95	10	Situation of human rights in Iraq: draft resolution
E/CN.4/1997/L.96	10	Situation of human rights in East Timor: draft resolution
E/CN.4/1997/L.97	10	Situation of human rights in Myanmar: draft resolution
E/CN.4/1997/L.98	24	Proposed amendment to draft decision 11 recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities: "Study on indigenous land rights"

Documents issued in the limited series (continued)

Symbol	Agenda item	
E/CN.4/1997/L.99	8	Proposed amendment to draft resolution E/CN.4/1997/L.79
E/CN.4/1997/L.100	22	Report of the United Nations High Commissioner for Human Rights: draft resolution
E/CN.4/1997/L.101	20	Question of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms: draft resolution
E/CN.4/1997/L.102/Rev.1	21	Rights of the child: draft resolution
E/CN.4/1997/L.103	12	Human rights and the follow-up to the guidelines for the regulation of computerized personal data files: draft decision
E/CN.4/1997/L.104	5	Proposed amendment to draft decision 4 recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities
E/CN.4/1997/L.105	3	Restructuring and revitalization of the Commission on Human Rights: draft resolution
E/CN.4/1997/L.106	12	Human rights and bioethics: draft resolution
E/CN.4/1997/L.107	22	Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action: draft resolution
E/CN.4/1997/L.108	8	Proposed sub-amendments to the amendment proposed in document E/CN.4/1997/L.99
E/CN.4/1997/L.109	10	Proposed amendment to draft resolution E/CN.4/1997/L.40

Documents issued in the limited series (continued)

Symbol	Agenda item	
E/CN.4/1997/L.110	10	Situation of human rights in Afghanistan: draft resolution
E/CN.4/1997/L.111	21	Proposed amendment to draft resolution E/CN.4/1997/L.102
E/CN.4/1997/L.112	9	Proposed amendments to draft resolution E/CN.4/1997/L.69
E/CN.4/1997/L.113	13	Proposed amendment to draft resolution E/CN.4/1997/L.9/Rev.1
E/CN.4/1997/L.114	9	Strengthening of the Office of the High Commissioner/Centre for Human Rights: draft resolution
E/CN.4/1997/L.115	13	Administrative and programme budget implications of draft resolution E/CN.4/1997/L.12/Rev.1

Documents issued in the non-governmental organization series

Symbol	Agenda item	
E/CN.4/1997/NGO/1	23	Written statement submitted by the Friends World Committee for Consultation (Quakers), a non-governmental organization in special consultative status
E/CN.4/1997/NGO/2	6	Written statement submitted by the International Federation of Rural Adult Catholic Movements, a non-governmental organization on the Roster
E/CN.4/1997/NGO/3	8 and 10	Written statement submitted by the Lawyers Committee for Human Rights, a non-governmental organization in special consultative status
E/CN.4/1997/NGO/4	8 and 10	*Idem*
E/CN.4/1997/NGO/5	10	*Idem*
E/CN.4/1997/NGO/6	10	*Idem*
E/CN.4/1997/NGO/7	8 (a)	Written statement submitted by the Friends World Committee for Consultation (Quakers), a non-governmental organization in special consultative status
E/CN.4/1997/NGO/8	8	Written statement submitted by the International Commission of Jurists, a non-governmental organization in special consultative status
E/CN.4/1997/NGO/9	5	Written statement submitted by Human Rights Advocates, Inc., a non-governmental organization in special consultative status
E/CN.4/1997/NGO/10	9 (a)	Written statement submitted by the International Movement against All Forms of Discrimination and Racism, a non-governmental organization on the Roster

Documents issued in the non-governmental organization series (continued)

Symbol	Agenda item	
E/CN.4/1997/NGO/11	21	Written statement submitted by the Commission for the Defense of Human Rights in Central America, a non-governmental organization in special consultative status
E/CN.4/1997/NGO/12	10	Written statement submitted by Reporters without Borders-International, a non-governmental organization in special consultative status
E/CN.4/1997/NGO/13	20	Written statement submitted by the International Federation of ACAT (Action of Christians for the Abolition of Torture), a non-governmental organization in special consultative status
E/CN.4/1997/NGO/14	10	*Idem*
E/CN.4/1997/NGO/15	10	Written statement submitted by the International Federation of Human Rights Leagues, a non-governmental organization in special consultative status
E/CN.4/1997/NGO/16	10	*Idem*
E/CN.4/1997/NGO/17	10	*Idem*
E/CN.4/1997/NGO/18	4	*Idem*
E/CN.4/1997/NGO/19	19	*Idem*
E/CN.4/1997/NGO/20	8	*Idem*
E/CN.4/1997/NGO/21	10	*Idem*
E/CN.4/1997/NGO/22	8	*Idem*
E/CN.4/1997/NGO/23	8	*Idem*
E/CN.4/1997/NGO/24	9 (d)	Written statement submitted by the World Federation of Democratic Youth, a non-governmental organization in general consultative status

Documents issued in the non-governmental organization series (continued)

Symbol	Agenda item	
E/CN.4/1997/NGO/25	10	*Idem*
E/CN.4/1997/NGO/26	10	*Idem*
E/CN.4/1997/NGO/27	3 and 10	Joint written statement submitted by: American Association of Jurists, International League for the Rights and Liberation of Peoples, non-governmental organizations in special consultative status
E/CN.4/1997/NGO/28	3 and 9 (d)	Written statement submitted by the International League for the Rights and Liberation of Peoples, a non-governmental organization in special consultative status
E/CN.4/1997/NGO/29	8	Written statement submitted by the International Federation of Journalists, a non-governmental organization in special consultative status
E/CN.4/1997/NGO/30	4	Written statement submitted by North South XXI, a non-governmental organization in special consultative status
E/CN.4/1997/NGO/31	5	*Idem*
E/CN.4/1997/NGO/32	6	*Idem*
E/CN.4/1997/NGO/33	18	*Idem*
E/CN.4/1997/NGO/34	22	*Idem*
E/CN.4/1997/NGO/35	24	*Idem*
E/CN.4/1997/NGO/36	5 (b)	*Idem*
E/CN.4/1997/NGO/37	10	*Idem*
E/CN.4/1997/NGO/38	10	*Idem*
E/CN.4/1997/NGO/39	23	Written statement submitted by Pax Christi International, a non-governmental organization in special consultative status

Documents issued in the non-governmental organization series (continued)

Symbol	Agenda item	
E/CN.4/1997/NGO/40	9 (d)	Joint written statement submitted by: Caritas Internationalis, Commission of the Churches on International Affairs of the World Council of Churches, Friends World Committee for Consultation (Quakers), non-governmental organizations in special consultative status
E/CN.4/1997/NGO/41	9 (d)	Joint written statement submitted by: Caritas Internationalis, Lutheran World Federation, non-governmental organizations in special consultative status; World Christian Life Community, a non-governmental organization on the Roster
E/CN.4/1997/NGO/42		[Symbol not used]
E/CN.4/1997/NGO/43	5	Written statement submitted by Centre Europe-Tiers Monde, a non-governmental organization on the Roster
E/CN.4/1997/NGO/44	10	Idem
E/CN.4/1997/NGO/45	5	Written statement submitted by the International Organization for the Development of Freedom of Education, a non-governmental organization in special consultative status
E/CN.4/1997/NGO/46	10	Written statement submitted by Habitat International Coalition, a non-governmental organization in special consultative status
E/CN.4/1997/NGO/47	21	Joint written statement submitted by: Friends World Committee for Consultation (Quakers), a non-governmental organization in special consultative status; World Organization against Torture, a non-governmental organization on the Roster

Documents issued in the non-governmental organization series (continued)

Symbol	Agenda item	
E/CN.4/1997/NGO/48	5	Written statement submitted by Human Rights Advocates, Inc., a non-governmental organization in special consultative status
E/CN.4/1997/NGO/49	5	Written statement submitted by International Educational Development, Inc., a non-governmental organization on the Roster
E/CN.4/1997/NGO/50	8	*Idem*
E/CN.4/1997/NGO/51	10	*Idem*
E/CN.4/1997/NGO/52	22	Written statement submitted by the International Federation of ACAT (Action of Christians for the Abolition of Torture), a non-governmental organization in special consultative status
E/CN.4/1997/NGO/53	5, 6 and 7	Joint written statement submitted by: General Arab Women Federation, Union of Arab Jurists, World Movement of Mothers, non-governmental organizations in special consultative status
E/CN.4/1997/NGO/54	11	Written statement submitted by Human Rights Advocates, Inc., a non-governmental organization in special consultative status
E/CN.4/1997/NGO/55	5	Written statement submitted by Human Rights Watch, a non-governmental organization in special consultative status
E/CN.4/1997/NGO/56	8	*Idem*
E/CN.4/1997/NGO/57	9	*Idem*
E/CN.4/1997/NGO/58	10	*Idem*
E/CN.4/1997/NGO/59	13	*Idem*
E/CN.4/1997/NGO/60	14	*Idem*

Documents issued in the non-governmental organization series (continued)

Symbol	Agenda item	
E/CN.4/1997/NGO/61	16	Idem
E/CN.4/1997/NGO/62	17	Idem
E/CN.4/1997/NGO/63	18	Idem
E/CN.4/1997/NGO/64	21	Idem
E/CN.4/1997/NGO/65	19	Idem
E/CN.4/1997/NGO/66	14	Written statement submitted by Human Rights Advocates, Inc., a non-governmental organization in special consultative status
E/CN.4/1997/NGO/67	13	Written statement submitted by the International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities, a non-governmental organization on the Roster
E/CN.4/1997/NGO/68	4	Written statement submitted by Franciscans International, a non-governmental organization in general consultative status
E/CN.4/1997/NGO/69	10	Written statement submitted by Worldview International Foundation, a non-governmental organization in special consultative status
E/CN.4/1997/NGO/70	10	Idem
E/CN.4/1997/NGO/71	13	Written statement submitted by Human Rights Advocates, Inc., a non-governmental organization in special consultative status
E/CN.4/1997/NGO/72	7	Written statement submitted by the Transnational Radical Party, a non-governmental organization in general consultative status
E/CN.4/1997/NGO/73	8	Idem
E/CN.4/1997/NGO/74	14	Idem
E/CN.4/1997/NGO/75	19	Idem

Documents issued in the non-governmental organization series (continued)

Symbol	Agenda item	
E/CN.4/1997/NGO/76	9	Idem
E/CN.4/1997/NGO/77	10	Written statement submitted by Liberation, a non-governmental organization on the Roster
E/CN.4/1997/NGO/78	19	Written statement submitted by the International Association of Educators for World Peace, a non-governmental organization on the Roster
E/CN.4/1997/NGO/79	5	Written statement submitted by Human Rights Advocates, Inc., a non-governmental organization in special consultative status
E/CN.4/1997/NGO/80	8	Written statement submitted by the International Indian Treaty Council, a non-governmental organization in special consultative status
E/CN.4/1997/NGO/81	23	Written statement submitted by the International Fellowship of Reconciliation, a non-governmental organization in special consultative status
E/CN.4/1997/NGO/82	8	Written statement submitted by International Educational Development, Inc., a non-governmental organization on the Roster
E/CN.4/1997/NGO/83		[Symbol not used]
E/CN.4/1997/NGO/84	9 (d)	Written statement submitted by the Friends World Committee for Consultation (Quakers), a non-governmental organization in special consultative status
E/CN.4/1997/NGO/85	19	Written statement submitted by the Association for World Education, a non-governmental organization on the Roster

Documents issued in the non-governmental organization series (continued)

Symbol	Agenda item	
E/CN.4/1997/NGO/86	10 (b)	Written statement submitted by Pax Romana, a non-governmental organization in special consultative status
E/CN.4/1997/NGO/87	10	Written statement submitted by the Inter-Parliamentary Union, a non-governmental organization in general consultative status
E/CN.4/1997/NGO/88	10	Written statement submitted by the International Federation of Human Rights Leagues, a non-governmental organization in special consultative status
E/CN.4/1997/NGO/89	8	Idem
E/CN.4/1997/NGO/90	10	Idem
E/CN.4/1997/NGO/91	10	Idem
E/CN.4/1997/NGO/92	9	Written statement submitted by the Baha'i International Community, a non-governmental organization in special consultative status
E/CN.4/1997/NGO/93	8 and 11	Written statement submitted by the International Fellowship of Reconciliation, a non-governmental organization in special consultative status
E/CN.4/1997/NGO/94		[Symbol not used]
E/CN.4/1997/NGO/95		Idem
E/CN.4/1997/NGO/96		Idem
E/CN.4/1997/NGO/97	11	Written statement submitted by the United Towns Agency for North-South Cooperation, a non-governmental organization in special consultative status
E/CN.4/1997/NGO/98	17	Idem

Documents issued in the non-governmental organization series (continued)

Symbol	Agenda item	
E/CN.4/1997/NGO/99	10	Written statement submitted by Pax Christi International, a non-governmental organization in special consultative status
E/CN.4/1997/NGO/100	10	Idem
E/CN.4/1997/NGO/101	16	Written statement submitted by the Anglican Consultative Council, a non-governmental organization in special consultative status
E/CN.4/1997/NGO/102	10	Joint written statement submitted by: Franciscans International, International Association for Religious Freedom, Transnational Radical Party, World Confederation of Labour, non-governmental organizations in general consultative status; African Association of Education for Development, American Association of Jurists, CHANGE, International Association of Democratic Lawyers, International League for the Rights and Liberation of Peoples, International Work Group for Indigenous Affairs, Pax Romana, Women's International League for Peace and Freedom, non-governmental organizations in special consultative status; Centre Europe-Tiers Monde, International Association of Educators for World Peace, International Educational Development, Inc., International Falcon Movement-Socialist Educational International, International Movement against All Forms of Discrimination and Racism, Movement against Racism and for Friendship among Peoples, United Nations Association of Great Britain and Northern Ireland, World Organization against Torture, non-governmental organizations on the Roster

Documents issued in the non-governmental organization series (continued)

Symbol	Agenda item	
E/CN.4/1997/NGO/103	10	Written statement submitted by International Educational Development, Inc., a non-governmental organization on the Roster
E/CN.4/1997/NGO/104	10	Written statement submitted by Pax Christi International, a non-governmental organization in special consultative status
E/CN.4/1997/NGO/105	10	Written statement submitted by the Anglican Consultative Council, a non-governmental organization in special consultative status
E/CN.4/1997/NGO/106	10	Written statement submitted by the Permanent Assembly for Human Rights, a non-governmental organization in special consultative status
E/CN.4/1997/NGO/107	10	Written statement submitted by the International Indian Treaty Council, a non-governmental organization in special consultative status
E/CN.4/1997/NGO/108	10	Written statement submitted by the International Association of Educators for World Peace, a non-governmental organization on the Roster
E/CN.4/1997/NGO/109	10	Written statement submitted by Pax Christi International, a non-governmental organization in special consultative status
E/CN.4/1997/NGO/110	21	*Idem*
E/CN.4/1997/NGO/111	9	Written statement submitted by the Movement against Racism and for Friendship among Peoples, a non-governmental organization on the Roster

Documents issued in the non-governmental organization series (continued)

Symbol	Agenda item	
E/CN.4/1997/NGO/112	21	Written statement submitted by the International Falcon Movement-Socialist Educational International, a non-governmental organization on the Roster
E/CN.4/1997/NGO/113	12	Written statement submitted by the Council for International Organizations of Medical Sciences, a non-governmental organization on the Roster
E/CN.4/1997/NGO/114	12	Written statement submitted by Liberation, a non-governmental organization on the Roster

Notes

* The annex is reproduced as received in the language of submission only.

a/ The summary records of the closed meetings (40th to 42nd and 44th) were issued in restricted distribution.

Annex V

RESOLUTIONS AND DECISIONS ADOPTED BY THE COMMISSION AND STATEMENTS MADE BY THE CHAIRMAN ON BEHALF OF THE COMMISSION AT ITS FIFTY-THIRD SESSION

Agenda item	Action taken	No.	Title	Method of adoption a/	Paragraphs of report
3	decision	1997/101	Organization of work	without a vote	12-13
3	decision	1997/117	Conscientious objection to military service	without a vote	19-20
3	decision	1997/118	Tolerance and pluralism as indivisible elements in the promotion and protection of human rights	without a vote	21-22
3	decision	1997/119	Organization of the work of the fifty-fourth session	without a vote	28-29
3	decision	1997/120	Organization of the work of the fifty-fourth session	without a vote	30-31
3	decision	1997/123	Organization of the work of the fifty-fourth session	without a vote	23-27
3	decision	1997/126	Restructuring and revitalization of the Commission on Human Rights	without a vote	36-38
3	statement		Concerning the hostage-taking at the residence of the Ambassador of Japan in Lima		17
3	statement		Concerning the situation of human rights in Colombia		18
3	statement		Replacing draft decision E/CN.4/1997/L.2		32-35
3	statement		Concerning the death of Muslim pilgrims in Saudi Arabia		51
4	resolution	1997/1	Question of the violation of human rights in the occupied Arab territories, including Palestine	roll-call vote (25/1/23)	61-67
4	resolution	1997/2	Human rights in the occupied Syrian Golan	roll-call vote (26/1/23)	68-72
4	resolution	1997/3	Israeli settlements in the occupied Arab territories	roll-call vote (47/1/2)	73-77

Agenda item	Action taken	No.	Title	Method of adoption a/	Paragraphs of report
5	resolution	1997/7	Human rights and unilateral coercive measures	roll-call vote (37/8/7)	88-91
5	resolution	1997/8	The right to food	without a vote	94-96
5	resolution	1997/9	Adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights	roll-call vote (32/12/8)	97-101
5	resolution	1997/10	Effects on the full enjoyment of human rights of the economic adjustment policies arising from foreign debt and, in particular, on the implementation of the Declaration on the Right to Development	roll-call vote (34/15/3)	102-105
5	resolution	1997/11	Human rights and extreme poverty	without a vote	106-109
5	resolution	1997/17	Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights	without a vote	119-121
5	decision	1997/102	Human rights and the environment	without a vote	92-93
5	decision	1997/103	Effects of structural adjustment policies on the full enjoyment of human rights	roll-call vote (36/13/3)	110-113
5	decision	1997/115	Human rights and income distribution	without a vote	114-118
6	resolution	1997/72	Right to development	without a vote	129-133
7	resolution	1997/4	Situation in occupied Palestine	roll-call vote (28/1/21)	142-146
7	resolution	1997/5	Question of Western Sahara	without a vote	147-148
7	resolution	1997/6	Middle East peace process	without a vote	149-154

Agenda item	Action taken	No.	Title	Method of adoption a/	Paragraphs of report
8	resolution	1997/23	Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers	without a vote	184-187
8	resolution	1997/24	Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	without a vote	188-190
8	resolution	1997/25	United Nations staff	without a vote	202-204
8	resolution	1997/26	Question of enforced or involuntary disappearances	without a vote	205-207
8	resolution	1997/27	Right to freedom of opinion and expression	without a vote	208-210
8	resolution	1997/28	Hostage-taking	without a vote	211-212
8	resolution	1997/29	The right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms	without a vote	213-214
8	resolution	1997/38	Torture and other cruel, inhuman or degrading treatment or punishment	without a vote	191-201
8	resolution	1997/50	Question of arbitrary detention	without a vote	220-231
8	decision	1997/106	Human rights in the administration of justice, particularly with respect to children and juveniles in detention	without a vote	182-183
8	decision	1997/109	The right to a fair trial	without a vote	215-216
8	decision	1997/110	Question of human rights and states of emergency	without a vote	217-219
9	resolution	1997/33	The protection of human rights in the context of the human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS)	without a vote	253-254
9	resolution	1997/34	Regional arrangements for the promotion and protection of human rights	without a vote	257-258
9	resolution	1997/35	Preparations for the fiftieth anniversary of the Universal Declaration of Human Rights	without a vote	259-262
9	resolution	1997/36	Human rights and arbitrary deprivation of nationality	without a vote	263-265

Agenda item	Action taken	No.	Title	Method of adoption a/	Paragraphs of report
9	resolution	1997/37	Human rights and thematic procedures	without a vote	266-268
9	resolution	1997/39	Internally displaced persons	without a vote	269-271
9	resolution	1997/40	National institutions for the promotion and protection of human rights	without a vote	272-274
9	resolution	1997/41	Development of public information activities in the field of human rights, including the World Public Information Campaign for Human Rights	without a vote	275-276
9	resolution	1997/42	Human rights and terrorism	roll-call vote (28/0/23)	277-283
9	resolution	1997/43	Integrating the human rights of women throughout the United Nations system	without a vote	284-285
9	resolution	1997/44	The elimination of violence against women	without a vote	286-290
9	resolution	1997/45	Regional arrangements for the promotion and protection of human rights in the Asian and Pacific region	without a vote	291-294
9	resolution	1997/75	Human rights and mass exoduses	without a vote	300-305
9	resolution	1997/76	Strengthening of the Office of the High Commissioner/Centre for Human Rights	without a vote	306-310
9	decision	1997/111	United Nations Decade for Human Rights Education	without a vote	255-256
9	decision	1997/116	Rationalization of the work of the special procedures system and review of the special procedures system	without a vote	295-296
9	decision	1997/124	Composition of the staff of the Centre for Human Rights	without a vote	297-299
10	resolution	1997/53	Situation of human rights in Nigeria	roll-call vote (28/6/19)	323-331
10	resolution	1997/54	Situation of human rights in the Islamic Republic of Iran	roll-call vote (26/7/19)	332-339
10	resolution	1997/55	Human rights situation in southern Lebanon and West Bekaa	roll-call vote (51/1/1)	340-344

Agenda item	Action taken	No.	Title	Method of adoption a/	Paragraphs of report
10	resolution	1997/56	Cooperation with representatives of United Nations human rights bodies	without a vote	345-346
10	resolution	1997/57	Situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)	without a vote	347-353
10	resolution	1997/58	Situation of human rights in Zaire	without a vote	354-357
10	resolution	1997/59	Situation of human rights in the Sudan	without a vote	358-362
10	resolution	1997/60	Situation of human rights in Iraq	roll-call vote (31/0/22)	379-385
10	resolution	1997/61	Extrajudicial, summary or arbitrary executions	without a vote	367-370
10	resolution	1997/62	Human rights in Cuba	roll-call vote (19/10/24)	371-378
10	resolution	1997/63	Situation of human rights in East Timor	roll-call vote (20/14/18)	386-391
10	resolution	1997/64	Situation of human rights in Myanmar	without a vote	392-395
10	resolution	1997/65	Situation of human rights in Afghanistan	without a vote	396-400
10	resolution	1997/66	Situation of human rights in Rwanda	without a vote	401-403
10	resolution	1997/67	Situation of human rights in Equatorial Guinea and assistance in the field of human rights	without a vote	404-408
10	resolution	1997/77	Situation of human rights in Burundi	without a vote	409-412
10	decision	1997/121	Question of human rights in Cyprus	without a vote	413-414
11	resolution	1997/13	Violence against women migrant workers	without a vote	424-427
11	resolution	1997/14	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	without a vote	428-429
11	resolution	1997/15	Migrants and human rights	without a vote	430-434

Agenda item	Action taken	No.	Title	Method of adoption a/	Paragraphs of report
12	resolution	1997/71	Human rights and bioethics	without a vote	443-445
12	decision	1997/122	Human rights and the follow-up to the guidelines for the regulation of computerized personal data files	without a vote	441-442
13	resolution	1997/73	Measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance	without a vote	453-456 and 459-463
13	resolution	1997/74	Racism, racial discrimination, xenophobia and related intolerance	without a vote	453 and 457-463
13	decision	1997/125	Racism, racial discrimination, xenophobia and related intolerance	without a vote	464-465
14	resolution	1997/12	Question of the death penalty	roll-call vote (27/11/14)	473-490
14	decision	1997/104	Status of the International Covenants on Human Rights	without a vote	471-472
15	decision	1997/105	Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights	without a vote	496-497
16	resolution	1997/19	Traffic in women and girls	without a vote	508-510
16	resolution	1997/20	Contemporary forms of slavery	without a vote	517-518
16	resolution	1997/21	Minimum humanitarian standards	without a vote	519-521
16	resolution	1997/22	Work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities	without a vote	522-525
16	decision	1997/107	Human rights of persons with disabilities	without a vote	511-516
16	decision	1997/108	Traditional practices affecting the health of women and children	without a vote	526-528
17	resolution	1997/16	Rights of persons belonging to national or ethnic, religious and linguistic minorities	without a vote	535-539
18	resolution	1997/46	Advisory services, technical cooperation and the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights	without a vote	556-558

Agenda item	Action taken	No.	Title	Method of adoption a/	Paragraphs of report
18	resolution	1997/47	Assistance to Somalia in the field of human rights	without a vote	559-561
18	resolution	1997/48	Assistance to States in strengthening the rule of law	without a vote	562-563
18	resolution	1997/49	Situation of human rights in Cambodia	without a vote	574-577
18	resolution	1997/51	Assistance to Guatemala in the field of human rights	without a vote	548-555
18	resolution	1997/52	Situation of human rights in Haiti	without a vote	564-573
18	statement		Concerning the situation of human rights in Liberia		578
19	resolution	1997/18	Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief	without a vote	586-588
20	resolution	1997/70	Question of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms	without a vote	596-600
21	resolution	1997/78	Rights of the child	without a vote	625-631
22	resolution	1997/68	Report of the United Nations High Commissioner for Human Rights	without a vote	639-641
22	resolution	1997/69	Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action	without a vote	642-644
24	resolution	1997/30	A permanent forum for indigenous people in the United Nations system	without a vote	657-660
24	resolution	1997/31	Working group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of General Assembly resolution 49/214 of 23 December 1994	without a vote	661-664
24	resolution	1997/32	Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the International Decade of the World's Indigenous People	without a vote	665-668

Agenda item	Action taken	No.	Title	Method of adoption a/	Paragraphs of report
24	decision	1997/112	Protection of the heritage of indigenous people	without a vote	669-671
24	decision	1997/113	Study on treaties, agreements and other constructive arrangements between States and indigenous populations	without a vote	672-673
24	decision	1997/114	Study on indigenous land rights	without a vote	674-679

a/ In the case of a vote, the figures in brackets represent: votes in favour/votes against/abstentions.

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